EDUCATION EQUITY

A Report on Indian/Native Education in Saskatchewan

Saskatchewan Human Rights Commission
September 1985

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SASKATCHEWAN HUMAN RIGHTS COMMISSION

Ronald J. Kruzeniski, Chief Commissioner
Theresa A. Holizki, Deputy Chief Commissioner
Jan Kernaghan, Member
Helen Hnatyshyn, Member
Kayla Hock, Member

EDUCATION EQUITY

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Saskatchewan Human Rights Commission Offices

Donalda Ford, Executive Director

Head Office
8th Floor, Canterbury Towers
224 4th Avenue South
Saskatoon, Saskatchewan
S7K 2H6
Telephone: 933-5952
Superphone: 373-2119

Regional Office:
9th Floor, McIntosh Mall
800 Central Avenue
Prince Albert, Saskatchewan
S6V 4V1
Telephone: 922-2296

Regional Office:
Room 100
1819 Cornwall Street
Regina, Saskatchewan
S4P 3V7
Telephone and
Superphone: 565-2530

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EXECUTIVE SUMMARY

The Saskatchewan Human Rights Commission had a concern regarding the education of students of Indian ancestry in the Province of Saskatchewan. That concern resulted in the process of publishing proposals, holding hearings and preparing this report.

The commission posed the following questions regarding our educational system:

1. Is a comprehensive affirmative action program within the K to XII education system an appropriate measure to consider?
2. The Commission's proposal for an affirmative action program within the education system includes the following elements: an affirmative action hiring program, a review of each school's policies and practices, a review of curriculum, cross cultural training for all teachers and native representation at the school board level. Are any or all of these elements necessary?
3. Should an affirmative action program be incorporated into technical institutions, universities, community colleges or other educational institutions? If so, how could they best be implemented? The Commission is also interested in receiving information on other initiatives or proposals, either under consideration or in place, which are designed to improve the educational opportunities of native learners.

The Commission reviewed various reports and studies including: "**Equality Now**", "**Employment Equity**", "**Directions**", "**Reaching Out**" and "**Choices**". As a result of the above, the Commission formulated a concern that students of Indian ancestry are not receiving equal benefit from our education system.

This concern resulted in the preparation of a discussion paper which dealt with persons of Indian ancestry in our education system. The discussion paper was forwarded to over five hundred interested parties with an invitation to participate in public hearings. The hearings were held in Prince Albert, Saskatchewan on February 7th, 1985 and Regina, Saskatchewan on February 13th, 1985.

Forty-one submissions were received by the Commission at the hearings. Other submissions were received by the Commission as well. In the submissions there was overwhelming support for the proposals made in the Commission's discussion paper issued for the purpose of these hearings. More particularly, there was support for a comprehensive affirmative action program within the K to 12 education system, which should include:

An affirmative action hiring program;

A review of each school's policies and practices as it affects persons of Indian ancestry;

A review of curriculum to include native content;

Cross cultural training for all teachers.

Although there was consensus on the need for parent participation in the school system and at the school board level, there was no concensus as to how this process should take place. In view of this lack of consensus regarding this issue, the Commission can only support the position that persons of Indian ancestry actively pursue election as trustees to Boards of Education.

The Commission was not given sufficient information or statistics in the review process regarding its proposals as they affect post-secondary educational institutions. As a result, the Commission is unable to propose a plan of action, at this time. However, these institutions must continue to be monitored and may merit further inquiry in the future.

The definition of equality adopted by the Commission as a result of this process is one that results in equal benefit. Equal benefit means that persons of a group or class are not only given equal opportunity to enter into a system, but that in addition, the system or institution will be examined to determine whether the minority group has achieved the expected proportionate representation. The approach concentrates on determining whether the results are fair. If the various statistics presented to the Commission are reviewed regarding graduation rates and drop-out rates of persons of Indian ancestry from our education system, there can be absolutely no doubt that persons of Indian ancestry are not receiving equal benefits from the eucation system of Saskatchewan.

In order to attempt to remedy the inequities in our educational system, the Commission has proposed the following plan of action:

PLAN OF ACTION

I. Every school board in the Province of Saskatchewan whose enrollment of students of Indian ancestry exceeds 5% should immediately apply for approval, pursuant to Section 47 of *The Saskatchewan Human Rights Code*. The Commission would consider reasonable, a plan of action for education equity which would have as its components the following:

1. A statement of the number of students of Indian ancestry enrolled with the Board of Education at the time of the application for approval;
2. A plan to hire over the next ten years, qualified teachers of Indian ancestry so that at the end of the ten year period the percentage of teachers of Indian ancestry employed by the Board of Education will equal the percentage of students of Indian ancestry enrolled in the school division, or will equal 9.6% of the teaching staff or will equal a percentage of the teaching staff to be approved by the Saskatchewan Human Rights Commission;
3. A plan by the Board of Education to annually, over the ten year period, fill a percentage of its vacancies of teaching positions with qualified teachers of Indian ancestry equal to the percentage of students of Indian ancestry enrolled in the school division or 9.6% of the vacancies in teaching positions for that year, or a percentage of vacancies in teaching positions for that year to be approved by the Saskatchewan Human Rights Commission;
4. A plan to review its recruiting and hiring practices to determine whether such practices have any barriers to the recruitment or hiring of teachers of Indian ancestry within five years from the approval of the program.
5. A plan to actively recruit teachers of Indian ancestry from the University of Saskatchewan, the University of Regina, other teacher training programs and, in particular, N.O.R.T.E.P., S.U.N.T.E.P. and I.T.E.P.;
6. A commitment that it will work closely with teachers employed by it, in designing and implementing "education equity" and establish a joint committee of representatives from both the administration and the teachers' associations in the division to design and implement such a program;
7. A plan to provide cross-cultural training on a regular basis for the teachers employed by it;
8. A plan to do all things necessary to increase and improve the participation of parents of Indian ancestry in the school system.

II. The Department of Education should:

1. Make available the financial resources from the Education Development Fund required by the Boards of Education to implement a program of education equity;
2. Implement the recommendations contained in the "**Directions**" report and the "**Five Year Action Plan for Native Curriculum Development**";
3. Continue to fund and, where possible, increase funding to programs established for the training of qualified teachers of persons of Indian ancestry, such as S.U.N.T.E.P., I.T.E.P. and N.O.R.T.E.P.;
4. Develop policies, guidelines, and funding for alternate forms of education, including alternate programs for students of Indian ancestry, provided students of Indian ancestry have freedom of choice to enter or leave the alternate program and return to, or stay in, the regular school system.

III. Parents of Indian ancestry should:

1. Actively seek positions on Boards of Education'
2. Where they reside on reserves, utilize the provisions of the *Education Act* and have their reserve designated as subdivisions (Section 27(2)(b)) or have a trustee appointed to the district board of trustees (124(1.1)).

IV. The Saskatchewan Human Rights Commission will promote and encourage Boards of Education in the Province of Saskatchewan to voluntarily develop programs for education equity, but if a Board of Education has not applied for approval for its program of education equity by the 1st day of December, 1986, the Saskatchewan Human Rights Commission will consider applications under Section 47 of *The Saskatchewan Human Rights Code*, requesting it to order a program of education equity. Under Section 47 of the code, any person can make an application requesting the Commission to order a program. If such an application is made, the Commission, in exercizing its discretion to order a program under section 47 of the Code, will consider, among other things, the following:

1. The percentage of parents of Indian ancestry resident in the School Division who support the application;
2. The percentage of non-native parents in the School Division who support the application'
3. The percentage of teachers employed in the School Division who support the application;

4. The number of individual school trustees on the Board of Education who support the application;
5. The number of interested organizations operting in the School Division that support the application;
6. The percentage of students of Indian ancestry enrolled in the School Division;
7. The percentage of teachers of Indian ancestry employed in the School Division;
8. The initiatives already undertaken by the Board of Education to implement education equity;

EDUCATION EQUITY

The Saskatchewan Human Rights Commission had a concern regarding the education of students of Indian ancestry in the Province of Saskatchewan. That concern resulted in the process of publishing proposals, holding public hearings and preparing this report.

I. THE OBLIGATION

The obligation for society, the province, the Legislative Assembly, the Department of Education, the Boards of Education in the province, teachers in the province and the Saskatchewan Human Rights Commission can be found in numerous documents of an international, national and provincial nature. The mandate is one for equality in education.

INTERNATIONAL DOCUMENTS

The Universal Declaration of Human Rights

This declaration was adopted and proclaimed by the General Assembly United Nations December 10th, 1948.

"Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Article 1

Free and Equal

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 26

Right to Education

1. Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

2. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenenace of peace.

3. Parents have a prior right to choose the kind of education that shall be given to their children.

International Covenant on Economic, Social and Cultural Rights

This Covenant came into force January 3, 1976.

Article 13

1. The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.

2. The States Parties to the present Covenant recognize that, with a view to achieving the full realization of this right:

(a) Primary education shall be compulsory and available free to all;

(b) Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education;

(c) Higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education;

(d) Fundamental education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education;

(e) The development of a system of schools at all levels shall be actively pursued, an adequate fellowship system shall be established, and the material conditions of teaching staff shall be continuously improved.

3. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to choose for their children schools, other than those established by the public authorities, which conform to such minimum educational standards as may be laid down or approved by the State and to ensure the religious and moral education of their children in conformity with their own convictions.

4. No part of this article shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principles set forth in paragraph 1 of this article and to the requirement that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

United Nations Declaration on the Elimination of All Forms of Racial Discrimination

This Declaration was proclaimed on November 20th, 1963.

Article 8

All effective steps shall be taken immediately in the fields of teaching, education and information, with a view to eliminating racial discrimination and prejudice and promoting understanding, tolerance and friendship among nations and racial groups, as well as to propagating the purposes and principles of the Charter of the United Nations, of the Universal Declaration of Human Rights, and of the Declaration on the Granting of Independence to Colonial Countries and Peoples.

International Convention on the Elimination of All Forms of Racial Discrimination

This Convention came into force January 4th, 1969.

Article 7

States parties undertake to adopt immediate and effective measures, particularly in the fields of teaching, education, culture and information, with a view to combating prejudices which lead to racial discrimination and to promoting understanding, tolerance and friendship among nations and racial or ethnical groups, as well as to propagating the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the United Nations Declaration on the Elimination of All Forms of Racial Discrimination and this Convention.

Convention Against Discrimination in Education

This Convention came into force May 22nd, 1962.

Article 4

The States Parties to this Convention undertake furthermore to formulate, develop and apply a national policy which, by methods appropriate to the circumstances and to national usage, will tend to promote equality of opportunity and of treatment in the matter of education and in particular:

(a) To make primary education free and compulsory; make secondary education in its different forms generally available and accessible to all; make higher education equally accessible to all on the basis of individual capacity; assure compliance by all with the obligation to attend school prescribed by law;

(b) To ensure that the standards of education are equivalent in all public education institutions of the same level, and that the conditions relating to the quality of the education provided are also equivalent;

(c) To encourage and intensify by appropriate methods the education of persons who have not received any primary education or who have not completed the entire primary education course and the continuation of their education on the basis of individual capacity;

(d) To provide training for the teaching profession without discrimination.

Article 5

1. The States Parties to this Convention agree that:

(a) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms; it shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace;

(b) It is essential to respect the liberty of parents and, where applicable, of legal guardians, firstly to choose for their children institutions other than those maintained by the public authorities but conforming to such minimum educational standards as may be laid down or approved by the competent authorities and, secondly, to ensure in a manner consistent with the procedures followed in the State for the application of its legislation, the religious and moral education of the children in conformity with their own convictions; and no person or group of persons should be compelled to receive religious instruction inconsistent with his or their conviction;

(c) It is essential to recognize the right of members of national minorities to carry on their own educational activities, including the maintenance of schools and, depending on the educational policy of each State, the use or the teaching of their own language, provided however:

(i) That this right is not exercised in a manner which prevents the members of these minorities from understanding the culture and language of the community as a whole and from participating in its activities, or which prejudices national sovereignty;

(ii) That the standard of education is not lower than the general standard laid down or approved by the competent authorities; and

(iii) That attendance at such schools is optional.

NATIONAL INSTRUMENTS

The Canadian Charter of Rights and Freedoms

Section 15 of *The Canadian Charter of Rights and Freedoms* came into force on April 17th, 1985:

Equal Benefit — Equality Rights

15.(1) Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law, without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

Affirmative Action Programs

(2) Subsection (1) does not preclude any law, program or activity that has as its object the amelioration of conditions of disadvantaged individuals or groups including those that are disadvantaged because of race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

Supreme Law

52.(1) The Constitution of Canada is the supreme law of Canada, and any law

that is inconsistent with the provisions of the Constitution is, to the extent of the inconsistency, of no force or effect.

PROVINCIAL LEGISLATION

The Saskatchewan Human Rights Code

Mandate of the Commission

25. The Commission shall:

(a) forward the principle that every person is free and equal in dignity and rights without regard to his race, creed, religion, colour, sex, marital status, physical disability, age, nationality, ancestry or place of origin;

(e) further the principle of the inequality of opportunities for persons, and equality in the exercise of the legal rights of persons, regardless of their status;

(g) forward the principle that cultural diversity is a basic human right and fundamental human value.

Right to Education

13.(1) Every person and every class of persons shall enjoy the right to education in any school, college, university or other institution or place of learning, vocational training or apprenticeship without discrimination because of his or their race, creed, religion, colour, sex, marital status, physical disability, nationality, ancestry or place of origin.

(2) Nothing in subsection (1) prevents a school, college, university or other institution or place of learning from following a restrictive policy with respect to enrolment on the basis of sex, creed, religion or physical disability, where it enrols persons of a particular sex, creed or religion exclusively, or is conducted by a religious order or society, or where it enrols persons who are physically disabled.

Paramount Law

44. Every law of Saskatchewan is inoperative to the extent that it authorizes or requires the doing of anything prohibited by this Act unless it falls within an exemption provided by this Act or unless it is expressly declared by an Act of the Legislature to operate notwithstanding this Act.

Special Measures

47.(1) On the application of any person or on its own initiative, the commission may approve or order any program to be undertaken by any person if the program is designed to prevent disadvantages that are likely to be suffered by, or to eliminate or reduce disadvantages that are suffered by, any group of individuals when those disadvantages would be or are based on or related to the race, creed, religion, colour, sex, marital status, physical disability, age, nationality, ancestry or place of origin of members of that group, by improving opportunities respecting services, facilities, accommodation, employment or education in relation to that group.

Exemptions

48.(1) Where any person or class of persons is entitled to an exemption under any provision of this Act or any other Act administered by the commission or where the commission or the Director of Human Rights considers it necessary and advisable, the commission or the Director of Human Rights may, upon application from the person who is entitled to the exemption or who seeks the exemption, by order made in accordance with any terms, conditions or criteria prescribed in the regulations, exempt that person or class of persons from any or all of the provisions of this Act, other than Part I, or from any or all of the provisions of any other Act administered by the commission.

The Education Act

The Education Act of the Province of Saskatchewan provides as follows:

Depriving Access to Education

143.(1) Subject to sections 153, 154 and 156, no teacher, trustee, director, superintendent or other school official shall in any way deprive, or attempt to deprive, a pupil of access to, or the advantage of, the educational services approved and provided by the board of education.

(2) Where any of the persons mentioned in subsection (1) violates the

provisions of that subsection, he shall be disqualified from holding his office or position.

Right to Attend School

144.(1) Notwithstanding anything in *The Age of Majority Act*, and except as otherwise provided in this Act, every person between the ages of six and 21 years shall have the right to attend school in the division in which he or his parents or guardian are residents, and to receive instruction appropriate to his age and level of educational achievement in courses of instruction approved by the board of education in the school or schools of the division or, subject to the stated policies, requirements and conditions of the board, in schools or institutions outside the division with which arrangements have been made by the board to provide certain services to pupils of the division.

THE MANDATE

Clearly, the above documents impose a legal, as well as a moral, responsibility on Canadian society to develop an education system that provides equal benefit to all members of that society. This is the mandate within which legislators, human rights commissions, boards of education, teachers and parents must operate.

II. THE REPORTS AND STUDIES

Numerous reports and studies have made recommendations regarding persons of Indian ancestry and more particularly, students of Indian ancestry in our educational system.

EQUALITY NOW

The House of Commons Special Committee on Visible Minorities in Canadian Society, chaired by Mr. Bob Daudlin, M.P., released its report entitled "Equality Now" in March of 1984. The Committee made numerous recommendations; the following are recommendations regarding education which are applicable to persons of Indian ancestry:

Hiring of Visible Minorities

12. The federal government should promote the hiring of visible minorities in the private sector by implementing the following five year strategy:

    Over an immediate five year period, make available subsidies and tax incentive programs for the hiring and training of visible minority persons and for the promotion of the voluntary adoption of affirmative action.

    During the course of this same five year period, develop an adequate data base which will provide a labour profile on visible minority groups and assist in the implementation of affirmative action programs. The experience with affirmative action programs in Canada and elsewhere should also be studied.

Race Relations Policy

67. The Secretary of State should encourage the provincial governments to urge their various school boards to develop and implement a race relations policy.

Hidden Curriculum

68. The Canadian Council for Multicultural and Intercultural Education should examine the hidden curriculum in order to ensure that no group is denied a sense of belonging and equality of opportunity.

Respect for Cultures

69. The Canadian Council for Multicultural and Intercultural Education should promote respect for the observance of various national days and holy days of the cultures represented in the school population.

Home-School Liaison Officers

70. Boards of Education should introduce a home-school liaison officers program to assist the integration of students and parents into Canadian society.

Multicultural Leadership Program

71. The Canadian School Trustees Association should encourage all Canadian school boards to develop multicultural leadership programs for their students.

Racial Harassment

72. The proposed Ministry of Multiculturalism should launch a major educational campaign on the best methods for responding to racial harassment in schools and communities throughout Canada.

Assessment Procedures

73. The proposed Ministry of Multiculturalism should support research on assessment procedures which are used to place students in occupational and academic streams in schools.

Resource Materials

74. The proposed Ministry of Multiculturalism should encourage the establishment of an Interprovincial Co-ordinating Committee to evaluate the legitimacy of teaching and resource materials for the purpose of determining the possible existence of cultural or racial bias.

Positive Attitudes

75. The proposed Ministry of Multiculturalism should promote the development and use of teaching and resource material for facilitating more positive attitudes toward visible minorities within the Canadian school system.

Teacher Education

76. The proposed Ministry of Multiculturalism should encourage the development of teacher education programs.

Affirmative Action Programs

77. Governments and School Boards should introduce affirmative action programs to increase the number of visible minorities in teaching and administrative positions.

Curriculum Materials

78. The proposed Ministry of Multiculturalism should provide further funding for research and development of:

Minimum standards for working in early childhood education.

Multicultural teaching materials for use in training programs

Curriculum materials that would positively influence attitudes and values during the period of early childhood education.

Post-secondary Institutions

79. The proposed Ministry of Multiculturalism should support post-secondary institutions that increase the participation of visible minorities in their programs.

EMPLOYMENT EQUITY

Judge Rosalie Abella, in the report of the Royal Commission on Employment Equity made several comments regarding the education and employment of persons of Indian ancestry.

Native People

Native people in Canada include Status and non-Status Indians, Metis, and Inuit.

It is not new that their economic conditions are poor. Study after study has documented the facts. The unemployment rate of native people is more than twice that of other Canadians. Those in the labour force are concentrated in low-paid, low-skill jobs. The average employment income in 1980 for native men was 60.2 per cent of the average income for non-native men; for native women it was 71.7 per cent of the average income for non-native women.

Their economic plight has taken its inevitable toll on social conditions. Native people are angry over the disproportionate numbers of native people who drop out of school, who are in prison, who suffer ill-health, who die young, who commit suicide. They are saddened by the personal, communal, and cultural dislocation of their people. (Page 33)

Education

Many of their apprehensions are focused on an education system they feel is not accountable to the people it serves. There are insufficient numbers of native people teaching, resulting in an absence of role models for young teachers. Curricula in the public and high schools do not reflect the cultural differences of native persons, and therefore a sense of either alienation or unreality inhibits the development of the minds of children who are being taught about a world that often seems inhospitable or irrelevant to them. (Page 34)

Role of Education

The critical role education and training play in providing job opportunities is beyond dispute. Indeed, various departments, agencies, and commissions of the federal government have made the point in study after study in recent years. The Commission of Inquiry on Educational Leave and Productivity (1979), the Special Parliamentary Committee on the Disabled and the Handicapped (1981), the Parliamentary Task Force on Employment Opportunities for the '80's (1981), the Task Force on Labour Market Development (1981), the Economic

Council of Canada in its report *In Short Supply: Jobs and Skills in the 1980s* (1982), the Labour Canada Task Force on Micro-Electronics and Employment (1982), the Skill Development Leave Task Force (1983), and the National Advisory Panel on Skill Development Leave (1984) have all underlined the need to allocate human and financial resources to the repair of educational deficiencies. (Page 131)

Deficiencies in Education

The economic disadvantages faced by members of the designated groups stem, in no small part, from deficiencies in their education. The amount of schooling a person gets has been called "the best readily observable predicator of how much a person earns". (Page 131)

Role Models

The influence of role models is subtle but often decisive. For example, there are few women in Canada in science and engineering. When one considers that, as recently as the mid-1970s, guidance counsellors were reluctant to advise girls to enter careers in math-related areas or the sciences. (Page 133)

Native Students

For native children, the problem is severe because schools largely ignore their cultural differences. Native people have little input into what is taught or how it is communicated, and too few teachers are themselves native people. As recently as 1979, 73 per cent of the teachers in federal schools on reserves were not native. Nor, in many cases, have the non-native teachers been adequately prepared to understand or cope with cultural differences. The result is that a disproportionate number of the children do not progress beyond public school. (Page 136)

Education Levels

In 1981, of the native population 15 and over (reporting single ethnic origin), 42.2 per cent of the males and 42 per cent of the females had less than a Grade 9 education. Of the native population aged 15 and over not attending school and reporting a multiple ethnic origin as well as a single ethnic origin, 52.4 per cent of the males and 52.3 per cent of the females reported less than a Grade 9 education. (Statistics Canada. Unpublished data from the 1981 Census.) (Page 136. Footnote 20).

Native Population

Native people are expected to account for as much as 20 percent of labour-force growth during this decade in the western provinces, yet relatively little is being done to address the particular difficulties they face in preparing themselves. They are generally hampered by low levels of education and by limited skills. In the past, their disadvantages have resulted in jobs in the most vulnerable sectors of the economy and in significantly higher unemployment levels than those experienced by the non-native population. (Page 166)

Early Education

Almost from birth, people absorb cultural messages from their surroundings. Some of the strongest signals come from the school, a key progenitor of cultural and personal judgements, and many career choices made in later life reflect these signals consciously or unconsciously.

The school is society's instrument for preparing children for full participation in the community.[8] That is why, in the nineteenth century, we accepted the principle of compulsory, universally accessible public education. Schools prepare children for their metamorphosis into effective and productive adults. But advice about courses, the behaviour and status of available role models, formal or informal guidance counselling on careers, even the prevailing attitudes to differences — all these can be subtle or decisive instruments to alter the form this metamorphosis might otherwise take. They affect all the groups under study. (Page 1320

Post-Secondary Education

In 1981, slightly more than one per cent of native people had a university degree as compared to eight per cent of the population as a whole. Concern has been expressed that native people are consistently being streamlined into vocational training programs rather than university programs. (Page 142)

We have quoted extensively from the Royal Commission Report because it very clearly makes the case for the proposition that in order to deal with employment inequities in our society, it is necessary to start with changes in the education system.

EMPLOYMENT EQUITY ACT

As a result of Judge R. Abella's report on employment equity, the Federal Government introduced Bill C-62, *An Act Respecting Employment Equity*.

Purpose of Act

The purpose of this Act is to achieve equality in the work place so that no person shall be denied employment opportunities or benefits for reasons unrelated to ability and, in the fulfillment of that goal, to ameliorate the conditions of disadvantage in employment experienced by women, aboriginal peoples, persons with disabilities and persons who are, because of their race or colour, in a visible minority in Canada by giving effect to the principle that employment equity means more than treating persons in the same way but also requires special measures and the accommodation of differences.

Employer's Duty

An employer shall implement employment equity by

(a) identifying and eliminating each of the employer's employment practices, not otherwise authorized by a law, that results in employment barriers against persons in designated groups; and

(b) instituting such positive policies and practices and making such reasonable accommodation as will ensure that persons in designated groups achieve a degree of representation in the various positions of employment with the employer that is proportionate to their representation

i) in the work force, or

ii) in those segments of the work force that are identifiable by qualification, eligibility or geography and from which the employer may reasonably be expected to draw or promote employees.

INNER-CITY DROP-OUT STUDY

The Department of Education released the official version of the Inner-City Drop-Out Study in February of 1985. This study examined native students in Saskatchewan urban centres.

The Summary

The information collected in the study tended to confirm that patterns identified in the literature could be seen in Saskatchewan.

1. ANALYSIS OF 1980-81 DROPOUTS

Of 6505 students enrolled in twenty selected schools in 1980-81, 1207 dropped out. The information collected on the dropouts is summarized below:

Dropout Rates

Annual Rate	Grades 7-12	All Students	18.6 percent
		Native Students	43.2 percent
		Non-Native Students	15.0 percent
Cumulative Rate	Grades 7-12	All Students	52.3 percent
		Native Students	90.5 percent
		Non-Native Students	40.0 percent

Dropout Patterns

— Over 46 percent of dropouts were 16 or 17 years of age when they left.

— Sixty percent of the dropouts were at least one year behind their age cohort when they withdrew. Moreover, one of every four were two or more years behind when they dropped.

— Almost one-fifth of all dropouts left school while under the legal school leaving age.

— School records maintained that half of the dropouts left school to go to work or seek employment.

— Annual native dropout rates were almost three times non-native rates.

— If dropout rates remain the same as they were in 1980-81, only one of every ten native grade seven students in the selected schools in 1980-81 will complete grade twelve while six of every ten of their non-native grade seven classmates will complete grade twelve.

— Almost 60 percent of Status Indian and nearly one half of all Metis/Non-Status Indian dropouts withdraw during Division III (grades seven to nine) compared with one quarter of the non-native dropouts.

— Forty percent of Status Indian dropouts and 30 percent of Metis/Non-Status Indian early school leavers dropped out before they reached the legal school leaving age of 16. Seventeen percent of non-native dropouts were underaged.

— Eighty-one percent of Status Indian and 74 percent of Metis/Non-Status Indian dropouts were known to be age-grade displaced when they withdrew.

— Sixty-three percent of non-native dropouts were behind when they withdrew. (Inner-City Drop-Out Study, Page 2)

Dropouts at A High Level

In spite of the limitations of this and other research studies on dropouts, several conclusions appear warranted.

1. The rate of dropouts among Native and Metis students in Regina and Saskatoon inner-city schools is at a high and unacceptable level.
2. The appropriate method of reducing this rate is not singular, clearly defined, nor short term.
3. Although the solution does not rest solely in the hands of the educational system, all levels of the system should take extra-ordinary measures to reduce the dropout rate.
4. At least part of the solution in regard to Native students appears to rest in recognition of the importance of delivering culturally sensitive programming. (Part 6)

Recommendations

1. Alternative education, including new and modified programs and courses should be expanded in order to increase Native/Metis student interest without decreasing curriculum integrity.
2. Culturally differentiated programming should be developed in recognition of the unique interests and values of Native/Metis students.
3. The number of Native teachers should be increased, not only for providing positive role models in support of Native students, but also to sensitize the school community to the interests, needs and problems of Native students.
4. Ongoing projects should be developed to encourage Native/Metis student participation in school activities, making them feel they are an important part of the school community.
5. Intensive short-term instructional and counselling support for high risk, mobile and isolated students should be available through in-school and inter-school programming. In this way, special needs of these students could be identified and procedures developed to forge attachments to the school and to present success as attainable.
6. Positive support by schools to students who are likely to drop out of school should be implemented. Alternatives should be developed to make it as easy as possible for these dropouts to continue to receive some benefits from the system.
7. Program and methods should be developed tc ensure receptive return of dropouts to school.
8. Mechanisms should be developed for increasing Native parental involvement in schcols. (Executive Summary, Page 6 and 7)

Throughout the past three decades, researchers have attempted to assess the dropout rate of Native students. Davids (1963) reported that the American national dropout rate was 33 percent while that of the Bureau of Indian Affairs was 60 percent. James and Brooks (1974) demonstrated that Indian students in Washington State were still dropping out at a rate of 38 - 60 percent. Stoughton and Grady (1978), in their Arizona study, estimated that only 44 out of 100 Indians enrolled in grade nine would graduate from grade twelve. Renaud (1971) reported that, in Canada, in the 12 years between 1951-62, 8,441 Indian

students out of 8,782 did not complete high school. There was a 96% loss of the Indian student population from grades one through twelve. A 1973 study, part of the Federation of Saskatchewan Indians (FSI) Education Task Force Report, stated that of every 12 - 15 Indian students in Saskatchewan who began in grade one, only one would complete high school. A further study by FSI and the federal Department of Indian Affairs (1975) pointed out that 93 percent of Indian students in the province dropped out before grade twelve. No comparable data is available for the Metis and Non-Status Indian populations. (Page 12)

Studies on Native dropouts parallel research on non-Native dropouts. School-related factors were found as very influential by various researchers (Ray, 1962; Davids, 1963; Wax and Wax, 1964; Kutsche, 1964; Goucher 1967; F.S.I., 1973; Settee, 1981). A correlation was found between dropping out and being overage by Kutsche (1964). Commenting on the same issue, the investigators for the FSI (1973) study stated that age-grade displacement and dropout phenomena were not really separate problems. However, Ray (1962) found that the difference between Indian dropouts and Indian stay-ins could not be related to intellectual levels. Most researchers identified the lack of a sense of belonging or being part of the school system as being a major determiner in the dropping out of Native students. Ray (1962) described the dropout as socially isolated and caught in a cultural conflict between the expectations of the middle-class white teacher and his own value system. Wax (1967) also identified the dissimiarity in the school's and the student's values as contributing to the alienation of the student. The FSI (1973) study described the process of "dropping out" as a long and painful one that, for most Indian students, begins with their initial contact with school and may take from three to ten years to complete. Settee's 1981 study confirmed these findings.

Holthaus (1968) wrote that research on dropouts in Alaska found that the negative effects of the psychological undermining of Native people, through education programs that treat them as savages or ignore them entirely, contributed to the inferiority feelings that cause students to drop out. Wax (1967) also commented on the apparent inability of schools to adapt instructions and facilities to the Native students. She questioned the extent to which the decision to withdraw was voluntary and the extent to which it was forced upon the dropout by an insensitive system. Ray (1962) pointed to the student's sense of futility, lack of individual encouragement, and a belief that no teacher had any personal interest in him. Goucher (1967) concluded that the greatest preventive for dropping out was a qualified teacher with the flexibility to meet the unique needs of Native students.

James and Brooks (1974) also found the act of dropping out related to teachers' apparent ignorance of and indifference to their Indian students' needs and backgrounds. The FSI Task Force Dropout Study (1973) concluded that Native students and ex-students fully expected to encounter insensitivity in school. They believed that they would sooner or later lose and were accustomed to having practically no moral support in this losing enterprise.

Suggested solutions to the dropout problems of Native students included: more parental involvement in decision-making (James and Brooks, 1974); curriculum enrichment (Ray, 1962); alternative teaching methods (Davids, 1963); cultural awareness training to enable guidance and counselling personnel to become knowledgeable of the Indian view of life (Davids, 1963); more sensitive teachers (Ray, 1962; Goucher, 1967); and the building of a positive self-image and confidence in the future in Native students (F.S.I., 1973).

Summary

From the review of literature, it would appear that the dropout rates from grades eight to twelve vary considerably from place to place and may be related to failure in school, indifference to school, low self-concept, preference for employment, personal or family problems, a feeling that the school is a hostile, indifferent or inflexible environment, and inability to make contact with support systems within the school.

The literature suggests that dropout rates are especially high for Natives and that factors in the school environment may play a particularly significant role in determining Native dropout rates. (Pages 13 and 14)

DIRECTIONS

The report of the Minister's Advisory Committee, Curriculum and Instruction Review, was released in February of 1984. At the beginning of the report in the portion entitled "The Vision", the Committee described the vision of the ideal school in Saskatchewan:

The Vision

Each person in the school is valued as an individual. Children experience success as they learn the skills required to function as productive members of society. The atmosphere is supportive and non-threatening, yet constructive and orderly. The school that we envision is a place where both teachers and students want to be. It achieves a happy medium between right and responsibility. (Page 6)

Saskatchewan has a good system of education. There are, however, indications that the needs of some students are not being met and that education must adapt to keep step with social and technological changes.

Education in Saskatchewan is based upon commitment to meeting the needs of the individual learner. Saskatchewan has a diverse population and the needs of the children in the province are many and varied. The education system must better respond to the aspirations of the students in order to produce caring and responsible graduates who are well equipped to function in a complex and changing world. (Page 7)

Support Services

Recommendation 8

That steps be taken to improve delivery of support services to students and ensure that such services are co-ordinated at the local level.

Alternative Programs

Recommendation 9

That policy guidelines be prepared for the development of alternative programs.

Needs of Native Students

Recommendation 10

That the Minister initiate the formulation of policies and procedures to ensure that the unique needs of Northern and Indian/Native students are met. (Page 8)

The report dealt with students of Indian ancestry in our education system.

Dropouts

The dropout rate in Saskatchewan is in the area of 30%, and among Indian/Native students in the province it is much higher. Although there are a variety of reasons for students leaving school before graduating, it must be considered that the current system is too narrow in scope to offer those students what they need.

In the case of Indian/Native students, course content offers little that relates to their history, language, or way of life. At public meetings, Indian/Native people stated that current curricula are lacking in both Indian/Native heritage material and historical material integrated into the whole curriculum. Native language instruction is not readily available, nor is Indian/Native studies available as a high school elective. Indian/Native people are concerned that prejudice and racism are not dealt with in current curricula, and that resource materials now contain stereotypes. (Page 18)

Process and Principals

. . . the Committee unanimously agreed that decision-making should be a responsibility shared by all those involved with education.

The Committee was particularly interested in establishing mechanisms or processes whereby the system could become self-renewing. Wherever possible, the Committee chose to concentrate on developing an efficient process rather than addressing, in "band aid" fashion, a symptom of a larger issue. For example, when the Committee was confronted with the problem of an outdated or unsatisfactory curriculum, it concentrated on devising a new curriculum development model rather than rewriting the curriculum in question. The new model is intended to ensure that all curricula are appropriately planned, evaluated, and revised. In this way, the larger problem was addressed and a means of preventing problems proposed. Instituting such ongoing mechanisms will minimize the need for major changes in the future. When assessment is continuous, changes are made as they are needed.

The Committee based its decisions on a number of principles related to the role of the school and the educational rights of children. To begin with, the Committee agreed that all children in Saskatchewan, regardless of the size of their school or their geographic location, have the right to a broad, general education. The school should strive to remove whatever barriers exist between a child and success in obtaining the education. Many of the changes proposed by the Committee were designed to make it easier for the school to attend to the needs of individual learners. In addition, the Committee agreed that each child in Saskatchewan has the right to instruction within a learning environment which provides warmth and support. It is essential that each child in a classroom be recognized and respected as an individual. (Page 24)

In outlining the goals of education, the Committee and the reports focussed on the students.

Goals for Each Student

Understanding and Relating to Others

1. Bases decisions and actions on the recognition that people differ in their values, behaviours, and life styles
2. Acts on the belief that each individual has value as a human being and should be respected as a worthwhile person
3. Interacts and feels comfortable with others who are different in race, religion, social level, or personal attributes. (Page 26)

The report also addressed the need for a core curriculum of basic subjects with the possibility of school boards having alternative programming and having elective courses for native students. The report made the following comments regarding curriculum as it relates to native persons at page 36:

Native Curriculum

The development of a basic core and the provision for alternatives are also intended to respond to the needs of Indian/Native and Northern students in the province. In addition, the Committee proposed that the Native Curriculum Review Committee continue as an advisory body, and that Indian/Native people be represented on the Program Policy Committee. The Committee also saw the following ways to ensure the development of appropriate course content for Indian/Native and Northern students:

- development of an Indian/Native studies elective course for use at the secondary level
- continued development of Native language materials and the continued expansion of Native languages in Saskatchewan schools
- inclusion of Native-oriented materials in the mathematics and science areas
- inclusion of the issues of discrimination, prejudice, and race relations into the curriculum at the grade 8 level or before
- the examination of present curricula and resource materials for the presence of stereotypes. (Page 36)

A FIVE YEAR ACTION PLAN FOR NATIVE CURRICULUM DEVELOPMENT

The Minister's Advisory Committee on Native Curriculum Review released its report in March, 1984. Its Executive Summary, on page ii, contained a number of recommendations:

Recommendations

1. A Native education policy be formulated for the Province of Saskatchewan as soon as possible.
2. The Native Curriculum Review Committee be made a permanent ongoing committee to: formulate policy, establish criteria and principles for Native curriculum development, monitor ongoing projects, and assist in the selection of representation from the Native community on curriculum committees.
3. The present membership of the Native Curriculum Review Committee be expanded to include representation from the Indian Teacher Education Program, University of Saskatchewan and the Saskatchewan Indian Education Commission.
4. Two members (one representing Indians and one representing the Metis and Non-Status Indian people) from the Native Curriculum Review Com-

mittee become members of the Program Policy Committee of the Department of Education.

5. Representation from the Native community be on Departmental curriculum committees.
6. In all phases of the curriculum process — program evaluation, program design, program implementation and program maintenance, the Native Curriculum Review Committee set guidelines and criteria for Native curriculum development for the Native Curriculum Development Team or other developers to carry out and monitor projects to see that the guidelines and criteria are followed.
7. As a part of the ongoing evaluation of current curricular materials and programs in this province, the dual concerns of educating Native students and educating non-Native students about Native people be taken into account.
8. A baseline data survey to facilitate future planning be undertaken immediately to determine what programs have been created, what adaptations have been made, and what materials have been developed to meet the needs of Native students in the province.
9. There be dual priorities in Native curriculum development in Saskatchewan:
    1. integration of Native content into the core curriculum through existing structures and procedures
    2. special projects in programming and material development specifically for Native students, since the target group of the proposed curriculum development is all students in provincial schools, both Native and non-Native.
10. The Native Curriculum Development Team be instituted for a period of at least five years.
11. The development unit of the Northern Education Branch become a part of the Native Curriculum Development Team.
12. Sufficient financial support be provided to assure that the Native Curriculum Review Committee and Native Curriculum Team can fulfill their mandates.

The Native Curriculum Review Committee established certain goals:

Goals

The Native Curriculum Review Committee seeks to ensure that:

— All students and teachers in provincial schools develop an appreciation of both the current political, cultural and socio-economic situation as well as the long, varied and unique history of the Native peoples on this continent.

— Teachers are sensitized to Native and Northern issues and that curricular materials and programs are relevant to Native and northern students.

— The school curriculum and educational institutions transmit positive and accurate information to aid Native students in developing a positive self-image and cultural identity, so that they may better learn to deal with their own reality. (Page i Executive Summary)

Priorities

The Native Curriculum Review Committee has determined that the first priority must be the integration of Native curriculum materials into the core curriculum of the province in all the subject areas. It is recognized that this is a long-term goal and will require extensive work in collaboration with the ongoing projects of the Development Division. The second priority is for supplemental materials in areas where revision is not expected in the immediate future. Third, there is a need for the development of separate Native studies and Native language courses.

FSIN Study

1975 research by F.S.I. showed that by grade two, 50% of Indian students have failed at least once; 93% of Indian students dropped out by grade 12; Indian students were generally one to three grades behind non-Indian students of the

same age in math and reading skills; Indian students in integrated schools remained socially segregated. (Page 9)

Recent Reports

Statistics on such things as age/grade disparity, and dropouts are instructive in showing how well schools are meeting the needs of students. Recent reports show that Saskatchewan schools are as yet not meeting the needs of the majority of Native students' needs. The Report of the Minister of Northern Saskatchewan on Education for the 1980's showed that still over 70% of northern students did not complete high school, approximately 45 - 55% of the student population between grade one and eight were 1-3 grades displaced and only 9% of the student population was in Division IV.[1]

Statistics are alarming in urban areas as well. It is estimated that 83% of Native students in these schools who completed grade 8, did not complete grade 12. This compares with 38% for non-Native students in the same schools and 31% for the province.[2] About 48% of all inner-city Native students leave regular high school programs, while over half (53%) drop out of special education programs and nearly two-thirds (63%) withdraw from vocational programs. Even more disturbing is the fact that there is a significant dropout (19.5) by inner-city Native students from elementary schools.

INDIAN AND METIS CURRICULUM ADVISORY COMMITTEE

On September 24th, 1984, the Education Minister, the Honourable Pat Smith, announced the establishment of the Indian and Metis Curriculum Advisory Committee. This committee will be the reference group for Saskatchewan Education's Five Year plan to incorporate Indian and Metis content into the provincial core curriculum. It will also provide a vehicle for Indian and Metis educators to work with teachers, administrators and trustees in how Indian and Metis people should be represented in that curriculum.

REACHING OUT

The report of the Indian and Metis education consultation, headed by Mr. Arnold Tusa, was released in March of 1985. It was entitled "Reaching Out". Mr. Tusa held one hundred and forty meetings with various groups and individuals in the province.

> I am pleased to inform you that a common theme was evident in all our meetings. There was a genuine concern, a well of good will, an understanding that the issue of Native education merited special consideration and a willingness to do what is necessary to effect change. (Letter of Transmittal)
>
> In recent years, a serious situation has developed in Saskatchewan with respect to Indian and Metis education. Repeated requests from Indian and Metis groups and individuals for redirection and policy formulation have confirmed that Saskatchewan Native peoples are seeking a new and expanded role in the education of their children. In addition, educators and Native peoples are concerned with the current dropout rates which indicate most Indian and Metis children do not complete high school. (Preface)

The report very succinctly summarized the concerns of parents, teachers and administrators, students, boards of education and other interested organizations. Many of the comments and statements contained in the report were comments and statements that the Commission heard in its public hearings and in the written submissions to it:

Parents Concerns

Parents voiced a variety of concerns about their children's education. High drop out rates, poor attendance, transiency, and low grades were all cited as indicators that the needs of Indian and Metis children are not being met by the education system. There was a general feeling that curriculum development and programming designed to benefit Indian and Metis students will require special action and consideration if there is to be any improvement in Indian and Metis education.

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[1] Report of the Minister of Northern Saskatchewan on Education for the 1980's pp. 7-9.

[2] B. Randhawa, Summary Report: Early School Leavers in Saskatchewan, October 83, p. 53. (Page 10)

Parents specifically mentioned communication between home and school and meaningful Indian and Metis involvement in the education system as two major areas in need of additional program initiatives. Staffing and personnel requirements must also be given special consideration. Hiring policies and teacher training are areas in which additional changes should occur.

Parents felt that the poor socio-economic conditions surrounding many Indian and Metis people have detrimental affects on the success of Indian and Metis students in school.

Parents believed that problems relating from the socio-economic situation must be dealt with through innovative approaches and programming.

Parents' concerns were often expressed with a sense of frustration. They recognized the importance of education to their children's future, and yet have watched those children fail, feeling powerless to help. While they know many of the reasons for their children's lack of success and have solutions to offer, many parents expressed difficulty in understanding how the education system operates and how they might influence the system for the good of their children.

Parents Recommendations

1. Provide accurate Indian and Metis curriculum developed by Indian and Metis People at the local, provincial, and national levels.
2. Include life skills training in the high school curriculum.
3. Teach cultural identity, pride, and responsibility as part of the curriculum.
4. Provide transition program.
5. Provide settings for the teaching of English as a Second Language.
6. Prevent prejudice, stereotyping, and racism in the schools.
7. Provide career exposure where needed.
8. Provide a welcoming, comfortable atmopshere for Indian and Metis students in the schools.
9. Reduce teacher-student ratios.
10. Develop and implement valid testing to identify Indian and Metis students eligible for High Cost Funding for special programming, and to identify gifted Indian and Metis students.
11. At the university level, teachers should be educated in the following areas: cross-cultural education, alcohol and drug abuse, and English as a Second Language. This would promote a better understanding by teachers of Indian and Metis students.
12. Provide teacher inservice training in the areas of cross-cultural education. In addition provide inservice training for home and school liaison workers, teacher aids and associates, and home-school co-ordinators.
13. Set standards and specific qualifications for teachers of Indian and Metis students, particularly with respect to cross cultural requirements.
14. Hire positive Indian and Metis role models at the school level.
15. Provide Indian and Metis teacher aides in problem areas, for example Grade 7 and beyond.
16. Employ Indian and Metis professional accountants.
17. Develop contacts and involve community resource people in the school.
18. Develop strategies to increase parental involvement in all aspects of the school system.
19. Develop solutions to address the attendance and transiency problems of Indian and Metis students.
20. Provide early childhood intervention programs for Indian and Metis children.
21. Ensure that dropouts can return to school comfortably.
22. Ensure Indian and Metis representation on school boards.

23. Utilize schools as the focal point of the community.
24. Create jobs in economically poor areas.
25. Implement programming which would open community lines between home and school and further develop positive feedback from schools to parents, a Home and School Liaison Program, for example. (pages 14 & 15)

Educators Concerns

Like parents, teachers often expressed a feeling of frustration. As professionals they were concerned that all their students should do well and worked hard to that end. But despite the hard work, many Indian and Metis students do not succeed in school.

Teachers stated that parents must be involved, but often did not know how to get that involvement. Open lines of communication and increasing Indian and Metis involvement in education are measures required to improve relationships between home and school, between the school and students, and between the school and other agencies.

Curriculum and related program development are essential to Indian and Metis education with special emphasis on long-term planning and follow-up. More efficient and effective program strategies must be developed on an ongoing basis with aims and objectives clearly defined to meet the needs of Indian and Metis students.

Quality education for all is a high priority. To attain this quality, teacher education must be refined. Innovative strategies and programs must be developed and implemented to enable teachers to teach all students well. Special attention should be given to the teaching of Indian and Metis students with unique programming needs. To help meet their needs, the employment of positive role models within the school system should be made a priority. Teachers stated that their own understanding of Indian and Metis people needs development, but that there is a lack of professional development opportunities.

Educators Recommendations

1. Implement an Indian and Metis curriculum development process for use in Saskatchewan schools for both Native and non-Native students.
2. Develop long-term objectives in the area of Indian and Metis Education.
3. Develop early childhood intervention programs, particularly for oral language development and language experience.
4. Develop a curriculum guide geared toward Indian and Metis education.
5. Integrate self concept development programs into curricula and cultural activities.
6. Develop and implement awareness programs regarding racism and prejudice as part of the regular curriculum.
7. Develop and implement nutrition programs where appropriate.
8. Incorporate life skills training into curricula, particularly at the high school level.
9. Develop and implement cultural activities to supplement Native Studies courses. These should be developed with Indian and Metis parent input.
10. Create transition programs to assist students in relocating from Northern communities or reservations in order to continue their education or seek employment.
11. Modify courses such as Home Economics, Art, and Reading to incorporate Indian and Metis and Northern content.
12. Provide alternative programming for the non-academically inclined.
13. Develop accurate, bias-free testing devices for Indian and Metis students.
14. Establish a clearing house for the cataloguing and distribution of materials and resources for use by teachers.
15. Develop and implement follow-up services for existing Indian and Metis education programming.

16. Establish mandatory university classes for teacher trainees in the areas of cross-cultural education, Indian and Native Studies, and Indian and Metis language methodology.
17. Train Indian language instructors.
18. Provide pre-service and inservice training for teachers in the areas of cross-cultural education, Indian language methodology, and Indian and Native Studies.
19. Expand SUNTEP and NORTEP to include training of secondary education teachers.
20. Employ professional Indian and Metis guidance and career counsellors in schools with high Indian and Metis student enrolment.
21. Develop a university operated hearing and speech pathologist program.
22. Employ Indian and Metis role models in the schools.
23. Develop and implement a home and school liaison program to further parental involvement and encourage communication between home and school.
24. Develop and activate parent awareness classes to deliver life skills training and make parents aware of their role in education.
25. Encourage Indian and Metis parents to participate in the decision-making processes in education at all levels.
26. Encourage teachers and schools to be more receptive and accessible to Indian and Metis parents.
27. Develop a policy to establish a cut-off date for transferring students in order to better administer Indian Affairs funding and plan programs in the school.
28. Lower student-teacher ratios to accommodate special needs of Indian and Metis students, especially in cases of age-grade discrepancies.
29. Provide study centres for evening activity, especially for on-reserve Treaty Indian students.
30. Provide transportation for Indian and Metis students prohibited from engaging in extra-curricular activities because of bussing systems.
31. Re-establish the school as the focal point of the community, with improving communication between the home/community and school as the primary purpose.
32. Make components of the Community School Program available where required.
33. Develop and maintain on-going communication between band councils and schools.
34. Develop and utilize provincially approved text books to minimize problems caused by student mobility.
35. Establish daycare, nursery school, and other early childhood education programs as part of the regular school system.
36. Transfer the administrative responsibilities of teacher housing accommodation to the Northern Lights School Division.
37. Develop an Indian language policy to standardize Indian language courses in schools.
38. Create employment opportunities and awareness programs in areas of socio-economic disparity.
39. Develop an interagency approach to solve some of the problems experienced by Indian and Metis students in the education system. (Pages 24 & 25)

Students Concerns

Curriculum and program development were identified as the students' main priorities. They requested immediate strategies and approaches to effectively

meet programming needs. A number of different programs were mentioned, including programs to help Indian and Metis students cope successfully with socio-economic problems and cultural differences, which negatively affect student performance.

Communication between Indian and Metis students, schools, teachers, and non-Native students is inadequate, and causes Indian and Metis students to feel alienated. Indian and Metis involvement in the school would increase the non-Native students' understanding of Native peoples and, at the same time, would increase Indian and Metis students' chances for success within the school system.

Students felt that changes are required in the area of teacher education. Programs to ensure that teachers have a knowledge of cross-cultural settings, particularly those involving Indian and Metis students, is crucial. Those people teaching Native Studies or Indian languages should be qualified Indian or Metis people.

Students Recommendations

1. Include Indian and Metis curricula in provincial schools from Kindergarten through Grade 12.
2. Develop additional programming to promote knowledge of Indian and Metis cultures.
3. Make career counselling and knowledge of career opportunities available in schools.
4. Provide awareness classes on racism and attitudes for students and teachers in order to reduce racism and stereotyping.
5. Incorporate Fine Arts classes into curriculum in all areas of the province.
6. Expand Physical Education programming at the high school level.
7. Provide Indian and Metis Studies and language classes for all students.
8. Make Indian language courses optional, like French, at the high school level.
9. Increase local and Canadian content, especially in the Social Studies curriculum.
10. Involve elders in teaching culture.
11. Make computer classes available in all schools.
12. Discontinue correspondence classes or make them less difficult. As an alternative to Correspondence classes, offer classes in the community.
13. Help dropouts to complete their education by assisting them in returning to school or by providing upgrading classes.
14. Develop and promote alternative courses, including vocational and technical courses.
15. Examine class options to ensure they are meeting the needs of the students.
16. Employ Indian and Metis teachers.
17. Require teachers to take classes in cross-cultural education.
18. Employ Indian and Metis guidance, career, and home-school liaison counsellors in schools.
19. Update curriculum and resource materials and make them relevant to Indian and Metis students.
20. Prohibit mixing of grades.
21. Implement the semester system where appropriate.
22. Review and refine the individual work package approach.
23. Make departmental exams consistent with what is actually taught in the school.
24. Establish high schools in all communities so students do not have to leave their communities to finish their education.

25. Develop and promote parental involvement and support.

26. Develop an approach to solve or minimize home problems and student frustrations which arise as a result of these problems. (Pages 29 & 30)

School Board Concerns

School board members were very concerned about the failure rate of Indian and Metis children in school. They felt that the problem is related to poor attendance and that Indian and Metis parents must become supporters of the school system if any progress is to be made. Mobility and attendance problems must also be addressed through the establishment of policy statements regarding enrolments and transfers. Curriculum development specific to Indian and Metis people is needed to improve education for Indian and Metis students.

Teacher education is an area that requires development as well. Boards communicated the need for evaluation of programs and projects to ensure that teachers are as effective as possible and can adequately meet the students' needs.

The poor socio-economic conditions of Indian and Metis people do much to prevent their children from being successful in the school system. Without programming aimed at reducing the effects of these conditions, an increase in Indian and Metis student retention and achievement is not a realistic expectation.

Indian and Metis involvement within the school system and the opening of communication lines were recognized as essential to the betterment of education for Indian and Metis students. Although some trustees felt special accommodation might be needed at the board level to encourage Indian and Metis involvement, most felt that the present system is adequate and that involvement should be sought in other ways.

School Boards Recommendations

1. Develop approaches to enhance parent involvement at all levels.
2. Develop approaches to enhance communication between home and school.
3. Develop approaches to educate parents on the value of education.
4. Address problems related to home environments through parent education.
5. Instruct parents on how to participate in a parent-teacher interview.
6. Develop approaches to gain input from Indian and Metis people in the development and implementation of curriculum.
7. Develop and implement Indian and Metis curriculum.
8. Implement early childhood intervention programs to deal with language problems and problems relating to lack of experience.
9. Develop and implement program initiatives in response to age-grade discrepancies among Indian and Metis children.
10. Address and monitor the drop-out situation among Indian and Metis students.
11. Provide awareness programs on racism and discrimination within the school system in order to reduce racism and stereotyping.
12. Develop culturally unbiased tests for Indian and Metis students.
13. Incorporate self concept development for Indian and Metis students into the school curriculum.
14. Implement a standard procedure for teaching Mathematics throughout the Northern Lights School Division.
15. Develop authorized Indian and Metis resources and program materials.
16. Establish a cataloguing and distribution system for Indian and Metis resource materials for use by teachers.
17. Develop and implement alternative, survival, or community schools to meet Indian and Metis high school students' needs.

18. Expose Northern Indian and Metis students to employment and educational opportunities in the South.
19. Ensure that curriculum review is continuous.
20. Ensure that program follow-up takes place in order to evaluate and refine program initiatives.
21. Develop initiatives to address the attendance and mobility problem among Indian and Metis students.
22. Establish policy statements on enrolment in order to reduce chaos caused by student transiency.
23. Ensure that all teachers have cross-cultural education and Native Studies classes before becoming fully qualified.
24. Hire teachers possessing the quality of "community mindedness".
25. Encourage teachers in the North to stay more than one year before moving on.
26. Encourage teacher mobility so that teachers remain motivated and do not become stagnated.
27. Ensure that teacher aides are hired in classrooms where the student-teacher ratios are high.
28. Provide inservice on Indian and Metis education.
29. Utilize Indian and Metis program consultants.
30. Incorporate Indian and Metis guidance and career counsellors into the school system.
31. Hire people to act as home and school liaisons to ensure that lines of communication are open.
32. Hire Indian and Metis people in all areas of schooling to provide positive role models for Indian and Metis students.
33. Create jobs in areas of need.
34. Supply adequate bus service from the reserve to the schools.
35. Ensure that rising enrolments are considered prior to school renovations and new school construction.
36. Lower student-teacher ratios when required.
37. Incorporate daycare into the school system.
38. Change the school year to accommodate "spring fever".
39. Ensure co-operation between Federal and Provincial governments in planning for Indian and Metis education.
40. Address problems relating to the current grant structure and gaps that occur as a result of tax arrears in some Northern communities.
41. Place the Northern Lights School Division office in the North so that directives are not coming from the south.
42. Include Indian and Metis representation in the administration of joint schools.
43. Ensure that local boards be given more power if they demonstrate capability.
44. Establish clear provincial direction on Indian and Metis education to avoid inconsistency. (Pages 38 & 39)

Organizations' Concerns

Groups and organizations emphasized that the low success rate of Indian and Metis students is devastating. They attributed it to a variety of factors, including the lack of communication between the school and the home, the lack of involvement of Indian and Metis people in the education system, poor socio-economic conditions, and the insensitivity of the education system to the needs of the Indian and Metis students and their home situations.

Strategies to promote communication and Indian and Metis involvement were recommended. Economic development programs to enable students to cope were also seen as necessary.

The groups saw curriculum development and program planning with long-term objectives as essential to future development in Indian and Metis education. Improvements in the education of teachers and changes in hiring practices were suggested. Teachers who are most able to benefit Indian and Metis students should be given preference when teaching positions are being filled.

Organizations' Recommendations

1. Develop programs to suit the needs and aspirations of Indian and Metis students.
2. Incorporate Indian and Metis culture and content into the provincial K-12 curriculum in all subject areas.
3. Make Indian language instruction a part of the core curriculum.
4. Incorporate self-concept and self-esteem building into the regular provincial curriculum.
5. Stress the basic academics in curriculum, and provide structure instead of self-pacing and choice.
6. Implement K-12 tutorial classes.
7. Incorporate more work experience programs in the curriculum.
8. Make nutrition programming a part of the curriculum, especially in areas of need.
9. Incorporate life skills and modern survival skills into the regular system.
10. Deal with racism by teaching about prejudice and stereotyping in the curriculum.
11. Establish a clearinghouse for developing, cataloguing, and distributing resource materials to schools and teachers.
12. Discard culturally biased tests and develop valid tests for Indian and Metis students.
13. Involve both home and school in the development and teaching of the concept of families.
14. Take steps to educate parents about the value of education and their role in the education system.
15. Develop incentive programs in adult education to help Native peoples build pride and self-esteem.
16. Provide incentives or jobs so that Indian and Metis students are motivated to finish school.
17. Use affirmative action to provide Indian and Metis role models for Indian and metis students.
18. Make pre-service and inservice in cross-cultural education and Native Studies mandatory for teachers.
19. Encourage all levels of education to support Native teacher training programs like SUNTEP and NORTEP.
20. Recognize teachers for their work in curriculum development.
21. Recognize teachers who teach on reserves so as to encourage good quality teachers to apply.
22. Hire Indian and Metis teachers in order to help meet student needs.
23. Provide Indian and Metis counsellors for personal guidance and career guidance so that Indian and Metis students have someone they can easily relate to.
24. Hire Indian and Metis community counsellors.
25. Employ Indian and Metis liaison workers to ensure open communication lines from home to school.

26. Hire Indian and Metis people in other roles in the system to provide positive role models for the students.
27. Ensure that Indian and Metis parents have more input into their childrens' education.
28. Establish Indian and Metis parent committees.
29. Improve communication between all levels of the educational system.
30. Develop approaches to get Indian and Metis representation on school boards.
31. Use community resources whenever they are available.
32. Implement preschool or early intervention programs to try to prevent frustration and dropping out later on.
33. Establish 24-hour daycare services.
34. Make daycare a service co-ordinated by Social Services and the Department of Education.
35. Establish urban Native elementary schools.
36. Expand and improve upon the Community schools concept.
37. Make alternative education available where there is a need.
38. Improve reserve bussing service.
39. Incorporate long-term planning in addition to developing short-term solutions.
40. Establish on-going and consistent ways of accommodating student needs.
41. Ensure that this report is not an academic exercise, and that it be used to bring about changes in Indian and Metis education. (Pages 44 & 45)

In the report, twenty-nine recommendations were made. The following are recommendations that the Commission believes have an impact on the questions that the Commission posed, and the proposals that it has made:

School Environment

Recommendation 1:

That each school re-assess the adequacy of its programs and activities aimed at: 1) maintaining a school environment which is a positive reflection of Indian and Metis culture and history, and 2) encouraging Indian and Metis parents to become involved in school activities. (Page 47)

Policy Statement

Recommendation 5:

That the Minister of Education propose the policy statement included in this report as the basis for a policy that should be in place by the end of 1985.

Proposed Policy Statement for Indian and Metis Education

Saskatchewan Education recognizes that the Indian and Metis people of the province are historically unique peoples and occupy a unique place in our society today. Saskatchewan Education also recognies that special programs and considerations are important to provide for the educational needs of Indian and Metis people.

Objectives:

1. To meet the short-term and long-term educational needs of Indian and Metis people.
2. To provide direction and leadership in the development and implementation of Indian and Metis education programs which meet the needs of urban, rural, and Northern Indian and Metis people.
3. To establish processes by which Indian and Metis people can become directly involved in the decision-making which determines educational programs in the province.
4. To ensure that all curricula and materials present Indian and Metis people accurately in historical and modern terms, and that Native-oriented materials and concepts are a part of all subject areas.

Definition:

The policy and programs set out in this statement refer only to Indian and Metis children who are enrolled in schools under the jurisdiction of the Province of Saskatchewan. It is not to be implied that the Government of Saskatchewan is in any way assuming the legal and historical obligations that the Government of Canada has to aboriginal people.

Administrative Procedures:

1. The Department of Education will, with advice and direction from the Indian and Metis Curriculum Advisory Committee, develop core and special curricula in Indian and Metis education. The Five Year Action Plan for Native Curriculum Development (March, 1984) will provide the framework for the development and implementation of these curricula.
2. The Department of Education will work with the boards of education, teacher training institutions, and the Saskatchewan Teacher's Federation to assist Indian and Metis people in becoming professional educators at all levels and to develop a human resources strategy which will allow for special consideration to be given to Indian and Metis professionals in areas and schools with significant Indian and Metis populations.
3. The Department of Education will work with the boards of education and Indian and Metis organizations to provide the means for Indian and Metis people to influence the education system at all levels. (Page 52)

Employment

The Department of Education should ensure that programs aimed at improving Indian and Metis education in the province also provide opportunities for the permanent employment of Indian and Metis people whenever possible. This will not only help alleviate the high unemployment rate among Native peoples, but will also provide for meaningful, permanent input into the education process, and provide role models for young people within the system.

Recommendation 6:

That an Indian and Metis human resource utilization strategy should be implemented by the education authorities which serve as employers of education professionals.

This strategy should include the provision of opportunities for trained Indian and Metis professionals to be appointed to teaching, guidance, administrative, and other positions in areas with significant Indian and Metis populations. The Department of Education in conjunction with the Human Rights Commission should devise a means for boards of education to adopt and utilize such a human resource strategy. (Page 53)

Training of Educators

Recommendation 7:

That the Department of Education continue to provide support to teacher training institutions whose primary goal is to produce qualified Indian and Metis Education professionals.

Cross-Cultural Education

Recommendation 9:

That teacher training institutions place greater emphasis on cross-cultural education as an integral part of the courses offered at all levels. (Page 53)

In-Service Activities

Recommendation 10:

That the Department of Education, the Saskatchewan Teachers' Federation, and school boards ensure that educators have the opportunity to participate in inservice and professional development activities in cross-cultural education. (Page 53)

Curriculum Development

The consultation process indicated that Indian and Metis curriculum development is a high priority issue among all groups. At the provincial level, the Department of Education has already demonstrated leadership of adoption of The Five Year Action Plan for Native Curriculum Development and the establishment of the Indian and Metis Curriculum Advisory Committee. The Action Plan addresses all the major concerns raised during the consultation meetings regarding curriculum. (Page 54)

Recommendation 11:

The Department of Education continue to develop core and special curricula following the recommendations of The Five Year Action Plan for Native Curriculum Development.

Language Arts

Recommendation 12:

That the Department of education, during its present review of language arts programs, ensure that Native-oriented materials become an integral part of the Core Curriculum, as is recommended in The Five Year Action Plan for Native Curriculum Development. (Page 54)

Indian and Metis Involvement

The direct participation of parents in the education of their children improves academic achievement and is of great benefit to children, schools, and communities. Increased involvement of Indian and Metis parents is needed in both rural and urban centers, and in the North. (Page 55)

Recommendation 18:

That all levels of the education system provide opportunities for Indian and Metis people to become directly involved in the planning and implementation of education programs for their children.

Recommendation 19:

That all urban schools with a substantial Indian and Metis student population institute an on-going program designed to increase parental (particularly Indian and Metis) involvement in the school.

The program should include: (1) the service of a special liaison person ideally of Indian or Metis descent charged with the task of establishing contact with parents, and (2) a Parents' Council with a number of seats reserved for Indian and Metis parents. These Parents' Councils should make regular reports to their respective boards of education, including recommendations to improve or develop programs for Indian and Metis students.

Recommendation 20:

That reserves near rural school divisions be encouraged to take advantage of Section 27(2)(b) of The Education Act and be designated as sub-divisions so that they may have representatives on their respective Boards of Education.

If an Indian Reserve does not elect to become a sub-division, it may wish to appoint a member to the board of trustees of the school district. This may be accomplished under Section 124(1.1) of the Education Act.

Programs designed to increase the participation of Northern Indian and Metis people should also be implemented. The Indian and Metis education Consultations demonstrated that the North has unique problems that can only be solved with the direct participation of the Indian Metis people of the region.

Support Programs

Recommendation 25:

That programs providing support to students who are most likely to quit school be implemented in all schools. As well, programs and methods should be developed to encourage and ease the return of dropouts to school. (Page 56)

RESPONSE TO REACHING OUT

A plan of action, as a response to *Reaching Out*, the report of the Indian Native Education consultations, was released by the Minister of Education in April of 1985. In her response, the Minister of Education stated:

Acceptance of Principles

Mr Tusa identified four principles to guide those who provide educational programs for Indian and Metis people. These principles are:

- Indian and Metis people must be given the opportunity to participate fully in the education system at all levels, from the school to Saskatchewan Education.
- The education system must recognize Indian and Metis students are the children of peoples whose cultures are, in many ways, very different from those of the people who established the school system. These differences,

which may include learning styles, language and world-view must be accounted for in curriculum, programs, teaching methods and climate in the schools attended by Indian and Metis children.

— There must be co-operation and consultation among all federal, provincial, local and Indian and Metis authorities to ensure co-ordination of efforts to meet the needs of Indian and Metis people.

— Efforts to improve the success of Indian and Metis students in school must begin at the school-community level.

Saskatchewan Education has adopted these principles and will use them to guide planning. My responses to Mr. Tusa's recommendations have been developed based on these principles. (Page 1)

Curriculum Development

— I repeat my support for the processes and goals established in The Five Year Action Plan for Indian and Metis Curriculum Development.

— I refer Mr. Tusa's more specific recommendations on curriculum and materials to the Indian and Metis Curriculum Advisory Committee for incorporation into its plan of action. (Page 2)

Human Resources Development

To help devise a comprehensive strategy for placing more Indian and Metis teachers in classrooms and for improving the effectiveness of all teachers in cross-cultural classrooms, Saskatchewan Education and I will:

— Continue development of the Indian Metis Awareness Teacher Inservice program begun in 1984-85.

— Suggest the Saskatchewan School Trustees Association and the Saskatchewan Teachers' Federation develop inservice programs of their own or in conjunction with those of the department and Indian and Metis educational organizations.

— Request the Deans of Education at both the University of Regina and University of Saskatchewan to make cross-cultural education an integral part of courses offered in their respective teacher training programs.

— Continue support for the Saskatchewan Urban Native Teacher Education Program (SUNTEP) and the Northern Teacher Education Program (NORTEP).

— Request SUNTEP, NORTEP and the Board of Teacher Education to assess the adequacy of these two teachers training programs in providing prospective teachers with the necessary, specialized training to secure employment.

— Request that the Saskatchewan Human Rights Commission work with school divisions and Indian and Metis teacher training programs in developing co-operative approaches to employing greater numbers of Indian and Metis teachers. (Page 3)

Indian and Metis Participation

— I encourage school divisions with significant enrolments of Indian and Metis students to involve Indian and Metis people in decision-making.

— I concur with Mr. Tusa's conclusion that reasonable opportunities exists for Indian people to be represented on boards of education and boards of trustees in rural centres. I encourage Indian Bands to take advantage of these opportunities. Initiatives to assist schools and parents in reaching out to each other will help make these opportunities more successful. (Page 3)

Mobility and Attendance

— I recognize that not all factors contributing to student mobility and poor attendance are controlled by schools and school divisions. However, the onus should be on the educational system to develop strategies which consider student and family circumstances.

— I have directed my officials to approach the Saskatchewan School Trustees Association with a proposal for a project which would identify policies, programs and procedures for establishing dropout prevention programs. Indian and Metis educators and school divisions will also be asked to participate. (Page 4)

Policy Statement

Saskatchewan Education recognizes that the Indian and Metis people of the

province are historically unique peoples and occupy a unique place in our society today. Saskatchewan Education also recognizes that special programs and considerations are important to provide for the educational needs of Indian and Metis people.

Objectives:

1. To meet the short-term and long-term educational needs of Indian and Metis people.
2. To provide direction and leadership in the development and implementation of Indian and Metis education programs which meet the needs of urban, rural and Northern Indian and Metis people.
3. To establish processes by which Indian and Metis people can become directly involved in the decision-making which determines educational programs in the province.
4. To ensure that all curricula and materials present Indian and Metis accurately in historical and modern terms and that Native-oriented materials and concepts are a part of all subject areas.

Definition

The policy and programs set out in this statement refer only to Indian and Metis children who are enroled in schools under the jurisdiction of the Province of Saskatchewan. It is not to be implied that the Goverment of Saskatchewan is in any way assuming the legal and historical obligations that the Government of Canada has to aboriginal peoples.

Administrative Procedures:

1. Saskatchewan Education will, with advice and direction from the Indian and Metis Curriculum Advisory Committee, develop core and special curricula in Indian and Metis education. The Five Year Action Plan for Native Curriculum Development (March, 1984) will provide the framework for the development and implementation of these curricula.
2. Saskatchewan Education will work with the boards of education, teacher training institutions and the Saskatchewan Teachers' Federation to assist Indian and Metis people in becoming in professional educators at all levels and to develop a human resources strategy which will allow for special consideration to be given to Indian and Metis professionals in areas and schools with significant Indian and Metis population.
3. Saskatchewan Education will work with the boards of education and Indian and Metis organizations to provide the means for Indian and Metis people to influence the education system at all levels. (Page 5)

EDUCATION DEVELOPMENT FUND

In the April 1985 budget of the government of Saskatchewan, the Education Development Fund was announced. In a document published by the Department of Education, entitled the "Education Development Fund" the following statements were made:

Priority Program

Improving the quality of education is a priority for the Government of Saskatchewan.

As a demonstration of its commitment, an additional $10 million in 1985-1986 and $35 million in each of the four subsequent years is being allocated to the new Education Development Fund.

Some Underlying Principles

Saskatchewan school divisions are eligible to receive grants from the Education Development Fund to support local improvement initiatives which are consistent with broad provincial objectives.

These initiatives should also be consistent with the blueprint for educational changes outlined in "Directions", the final report of the Minister's Advisory Committee on Curriculum and Instruction.

"Directions" is a plan of action for preparing Saskatchewan students for the future. The Education Development Fund will provide the impetus for school

divisions to implement their own activities related to the "Directions" report.

Areas for Funding

The Education Development Fund is also devoted to improving efficiency in the delivery of educational programs in recognition of the current climate of restraint.

Three Funding Categories

Three priority areas have been identified for funding under the Education Development Fund.

1. Learning resources

   Approximtely 25 per cent of the Fund is earmarked for school library improvements, resource centre acquisitions and computer and other technology approval.

   School divisions will be expected to submit proposals to Saskatchewan Education for approval.

   Grant amounts will be determined by using a simple formula which will compensate smaller school divisions for their lower enrolments.

2. Efficiency Grants

   Projects or activities geared to providing the same or better service for less cost will also be cosiderd for Fund grants.

   Approximately 20 per cent of the Fund has been allotted to recognize efficiency measures undertaken by school divisions.

   Examples of potential initiatives include energy conservation, plans for consolidating or sharing services, building maintenance improvements, transportation efficiencies and program cost reductions.

   Again, school divisions will be asked to submit proposals to Saskatchewan Education for approval and grants will be paid according to a simple formula which will compensate smaller school divisions for their lower enrolments.

3. Program Improvement Initiatives

   The remaining 55 per cent of the Fund will support school division efforts to improve the quality of educational programs in several priority areas:

   — school effectiveness and "Directions" recommendations;

   — development of basic skills;

   — preparation for adult life, for example, consumer education, career counselling and skills required in the work place;

   — dropout prevention and attendance improvement;

   — programs for gifted learners; and

   — school-community and school-parent relations

   Boards of education will be expected to table publicly a plan of action outlining their objectives, program content, cost implications and method of evaluation for a proposed project under this category of Education Development Fund expenditure.

   Boards of education will be awarded grants using the existing foundation grant formula. This formula takes into account a board of education's need and ability to pay.

CHOICES

A report entitled "Choices: A Proposed Action-Plan for Intercultural Education in Prince Albert", prepared by Del M. Koenig, was released in September, 1984. The research was done for the community Education Branch of the Department of Education and for the three school jurisdictions in the City of Prince Albert. The method used in the study was to interview three hundred and thirty Prince Albert and district residents who were involved with Indian and native young people. The author, in her report, made a number of relevant statements in her summary of findings and conclusions:

Data Complex

The data analysis reported in this study produced findings which emphasized the complexity of the educational situation for Indian and Native students in schools of Prince Albert and area. While on the one hand Indian and Native students stated that generally they liked school and felt that they were succeeding, other data revealed that their academic achievement was significantly lower than that of Non-Native students. The Indian and Native students tended to drop out of school in appreciably greater numbers and then stated in contradiction that they had quit school in part because they had disliked it.

Throughout the study it became clear that the various groups involved with young Indian and Native people in Prince Albert held opposing views of the educational situation, of its successes and weaknesses, and of feasible directions for improvements. It was not unexpected that the educator group (teachers, principals and support staff) would take the stance that parents and the students themselves were largely responsible for the lack of academic success among Indian and Native students. Research studies in other similar jurisdictions found teachers making similar statements (Was 1971, Zyp and Campbell, 1978). What was surprising was the strength of response among educators in this study. They blamed almost 100 percent of the causes of low academic achievement and school dropouts on the parents and on behavioral inadequacies within the students themselves. Community agency personnel put responsibility for the dismal academic performance of Indian and Native students almost totally onto the schools, but also blamed the parents and society at large for creating a no-win situation for Indian and Native young people in Prince Albert.

The students themselves proved to be something of an anomally in that they appeared to have absorbed a large portion of the blame themselves for any failures in school. In spite of the fact that 50 percent of the students had repeated at least one grade, they thought that they were succeeding at the present time. Similarly, young people who had left school before completing grade 12 said that while they had disliked some teachers and school in general, they now regretted having dropped out and would advise other students to not make the choice to quit. The dropouts expressed the strong desire to return to some form of schooling in order to complete their education.

Rates of Achievement

There seemed little doubt from findings of this study, that Indian and Native students were less successful academically than were their Non-Native counter parts. It was of interest to note that this was one point on which the perception of educators accurately matched the way in which students reported their performance. (Page 122)

Degree of Satisfaction

In the opinion of this researcher, the most important finding in relation to student satisfaction with Prince Albert schools was the degree of misunderstanding that existed between teachers and students.

On questions of subject preference, likes and dislikes, educational goals, student problems, and communication, the educators and their students expressed views which were worlds apart. Educators appeared to place the responsibility for school success squarely on the shoulders of the students and their parents. Student perceptions seemed to be that the teachers and principals did not understand them and behaved in ways that made them withdraw from communication, attend only sporadically, fall behind in their work, and eventually withdraw from school. (Page 124)

Alternate School

Reasons given in favor of a special school by students, dropouts, parents and agency personnel focused on the need for Native students to be with other Native students, to learn in a non-discriminatory atmosphere, to learn more Native oriented content and to be taught by Native teachers. Respondents intimated that if the regular schools met these criteria then probably there would be no need for a special school. (Page 129)

Problem Complex

The primary conclusion of this researcher is that any actions undertaken will have the greatest chance of success if they involve the total communty. The situation of education for Native students is too complex to be solved by any

one group, ie. the schools, working in isolation from the rest of the community. (Page 132)

Recommendations

II. It is recommended that under the overall direction of the steering committee, certain changes be brought about within the schools themselves. Such changes should include the following:

(a) the design, procurement and use of more Native content in the school curriculum.

(b) the hiring of additional Native teachers, counsellors, aides and home-school liaison workers.

(c) the development and use of more culturally relevant testing materials.

(d) the development of more effective content and teaching approaches.

(e) the wider use of community based resources, both Native and Non-Native with these offerings available to all students.

(f) the development of units of study dealing with stereotyping, prejudice, and other facets of intergroup relationships as they apply to many different cultures, not only Indian and Native.

(g) the institution of an in-service training program for all teachers in the areas of intercultural understanding, learning alternate teaching approaches, learning to work with a wider variety of community personnel, learning how to more carefully assess written material for racist and sexist bias. Such programs could be developed in conjunction with resource persons from various colleges of the University of Saskatchewan and the University of Regina on an on-going basis.

(h) the development of a teaching team which could communicate with parents and various community groups to more clearly explain the school, its role, its problems and how best the school and community can co-operate.

(i) the institution of cultural heritage rooms and/or programs in every school. Indian and Native culture and history may be highlighted but should not be the total focus of such endeavours.

(j) the establishment of Cree language programs in every school where there appears to be some interest among students.

III. It is recommended that an alternate school be established in the city for those Indian and Native students who either had already dropped out or who would wish to leave the regular school system and attend such a school. Such a school would best be organized under one of the existing school systems for legal purposes and should be housed in an existing school building where other classes are also being taught but should have policy and programming input from a sub-committee of the overall education steering committee. The school need not be exclusively for Indian and Native students but they should be its primary focus since they appear to have the more serious problem with school success. The staff should be primarily, but not exclusively of Indian and Native background. This school would require a strong focus in Indian culture and history and should offer classes in Indian languages. However, students would also need to learn about other cultures, the modern urban environment and how to live in a multicultural society. Regular academic subjects should be taught but for some students the use of adult education upgrading programs may be more useful than in-school approaches. Options should be open for students to return to ther regular school and receive credit for their work in the alternate school or to remain their and graduate with equal credit to that which they could receive in any high school.

A committee should be established at the earliest possible date to begin work on the design for an alternate school. This committee must take what is best and most appropriate from such operations as the Alternate School in Prince Albert, the Native Survival School and Native Heritage rooms in Saskatoon, Band

Controlled Schools in the Prince Albert area, the Plains Indian Survival School in Calgary and the Survival School in Edmonton. No one of these institutions as they exist will likely fit exactly for the Prince Albert situation, but from what has been tried and learned in each, a Prince Albert school can be designed to meet the local needs and situation.

In all of these recommendations, the Department of Education, Special Projects Branch must play a role as advisor, perhaps assisting with funding for special endeavors, but also as overall monitor of what is being undertaken in Prince Albert so that initiatives follow provincial guidelines, policies and legislation in education. (Page 134)

PRINCE ALBERT COMPREHENSIVE HIGH SCHOOL

The Board of the Prince Albert Comprehensive High School commissioned the report which is entitled "Prince Albert Comprehensive High School: A Review of Goals, Policies and School Operation", which was released September, 1984. Chapter Six of that report dealt specifically with special services and, in particular, emphasis on native and special education students. The conclusion of the report is given below:

> The Native students reflect a dichotomous perception, for while they, as a group, do not wish to be singled out as "Indians", they are conscious of their Indianness and appear to associate it with failure or negativeness and use it as their excuse not to participate or be involved in the full life of the school.
>
> It is evident that although the Native students desperately want to be accepted as part of the school, they do not presently feel that they are. Research into Native learning styles show that Native students tend to excel in situations where they are actively involved in planning and directing their own learning. They need to be given responsibility for their own actions. In keeping with these findings, the style of teaching has been identified as closely tied to scholastic success of many Native students. Native studetns respond best when a feeling of mutual trust and respect is established. Thus, the school must examine alternate learning styles if the native students are to become a part of the mainstream.

SASKATOON NATIVE SURVIVAL SCHOOL

A report entitled "An Evaluation of the Saskatoon Native Survival School", by Anne and Jack Deines, for the Department of Education, released August 1983, concluded that the Saskatoon Native Survival School showed considerable potential in providing education to native students who are not able to achieve in the regular system. In making its recommendation in the Executive Summary, the report stated:

Native Staff	The school has successfully achieved a high ratio of native staff members (14/20 or 70 per cent).	R.7. That the school continue to emphasize the hiring of native people in order to provide native role models. Where possible, native teachers and other native professionals should be given preference over non-natives in order to provide professional native role models.

A CONCERN

As a result of the above reports and studies, their conclusions and recommendations, the Saskatchewan Human Rights Commission had, and has, a concern that students of Indian ancestry are not receiving equal benefit from our education system.

III. THE HEARINGS

As a Human Rights Commission that is responsible to promote the principle of the inherent worth and dignity of all individuals in society, the Commission felt it was time to issue a paper indicating some of the positions it had been taking in the past, and give the public an opportunity to comment or criticize them. Over the last five years, the Commission has made three submissions to the Department of Education. The first was the Social Studies Task Force; the second was to the Curriculum and Instruction Review Committee; and thirdly, and more recently, to the Department of Education Committee; and thirdly, and more recently, to the Department of Education Committee, chaired by Arnold Tusa, Legislative Secretary to the Minister of Education.

In preparation for the hearings, the Commission sent out over five hundred letters to all the school boards in the province, native organizations, Indian Bands, the Minister of Education, the Saskatchewan School Trustees,

and the Saskatchewan Teachers' Federation. All were given an invitation to respond to the Commission's proposals for improvements to the education system.

It was hoped that individuals and organizations would assist the Commission in further formulating its policy by:

1. Participating in a full public debate on the issues relating to persons of Indian ancestry in the education system;
2. Providing the Commission with feedback on its proposals for improving the education system;
3. Sharing with the Commission information on initiatives already underway which are designed to benefit native learners.

THE PROPOSAL

The proposal first discussed the situation in the 1980's and on Page 1 stated:

A number of studies the school age population report that children of Indian ancestry make up 10% - 22% of the overall school age population and yet there is an observable lack of native teachers in our educational institutions. In a 1980 report by the Gabriel Dumont Institute of Native Studies and Applied Research, it was reported that the number of students of Indian ancestry in Saskatoon is approximately 10%, while the number of teachers of Indian ancestry is 0.3%. In Regina the total number of students of Indian ancestry in the public and separate schools is approximately 10%. The total number of teachers of Indian ancestry in the Regina School System is 0.1%. The number of students of Indian ancestry in Prince Albert is 15.4% and the number of teachers of Indian ancestry is 0%. In the Northern Lights School Division 65% - 75% of students are of Indian ancestry, while 10% of the present staff consists of teachers of Indian ancestry.

If we take seriously the right to receive an education as an equal, special measures must be undertaken to ensure that native children are given that opportunity.

The Commission went on to propose that:

An affirmative action program be undertaken so as to provide all learners with an educational opportunity which recognizes their right to treatment as an equal regardless of their race,sex, or physical disability. Programs should be implemented at the level of the local school boards in order to ensure that each one is designed to meet the specified needs and characteristics of the local schools and local children. We recommend that a comprehensive program should include the following elements:

(a) The development and implementation by all school boards of affirmative action hiring programs which will improve the representation of teachers of Indian ancestry, women and persons with physical disabilities throughout the school system.

(b) A comprehensive review by each school board of school practices and policies to identify where these practices and policies have a negative impact on native children and where additional support measures will help decrease the drop-out and failure pattern.

(c) A revision to the core curriculum to infuse it with native material and the development of accredited native study programs.

(d) Cross-cultural training and in-service training for all new and current teachers.

(e) Representation of native concerns at the School Board level.

The Saskatchewan Human Rights Commission issued a newsletter in November 1984 in which the above proposals were discussed. Part of the discussion is reproduced below:

(i) Affirmative Hiring Practices

We recommend that an affirmtive action program be implemented within each school division to increase the representation of teachers and administrators who are of Indian ancestry, as well as women and persons with physical disabilities. The presence of native teachers would be beneficial not only to native students, but to non-native students and teachers as well. Native organizations and individuals believe native teachers are more sensitive to the educational needs of native students, and provide positive role models for all students. It is submitted that such programs may assist in reversing the trend of high drop-out rates among native learners.

Recently the House of Commons Special Committee on Visible Minorities in Canadian Society published its report entitled "Equality Now!". The report was distributed in March 1984. While recognizing that education is a provincial matter, the Committee recommended that:

> Governments and school boards should introduce affirmative action programs to increase the number of visible minorities in teaching and administration positions.

The report goes on to say that, although there is little hard evidence to indicate whether Indian students suffer from not having a member of his or her own race as a teacher, recent research demonstrates that teachers of the same cultural group are likely to teach at a pace that is consistent with that of students. The results are higher levels of achievement. A school in Bella Coola, British Columbia hired three native teachers, one of whom was the principal. One of the unanticipated outcomes of the placement in Bella Coola was that on parent/teacher night the turnout of native parents was 100%.

We agree with the Special Committee on Visible Minorities when it asserted that lower drop-out rates, higher levels of achievement and greater parental participation are three very good reasons for increasing the number of native and other visible minority teachers in the school system.

We further believe that establishing affirmative action programs, along with infusing native curriculum into core curriculum, are in keeping with the recommendation number 10 from "Directions: Curriculum and Instruction Review" authored by the Minister's Advisory Committee on the Curriculum and Instruction Review. This recommendation states:

> that the Minister initiate the formulation of policies and procedures to ensure that the unique needs of northern and Indian native students are met.

What we are proposing is not new. Affirmative action initiatives have been discussed and proposed for boards of education in the past. The Community Liaison Committee in Saskatoon urged the Saskatoon Public Board of Education, in March 1979, to implement an affirmative action program to increase the representation of Indian teachers on school staffs. In 1982 the Saskatchewan Teachers' Federation Spring Council passed a resolution stating that the STF will become an affirmative action employer. More recently, the 1984 Saskatchewan Teachers' Federation Spring Council passed two resolutions which read as follows:

1. BE IT RESOLVED that the STF urge Boards of Education to develop affirmative action policies.
2. BE IT RESOLVED that the STF encourage Boards of Education to implement affirmative action programs.

School boards may have argued in the past that the lack of Indian teachers was due to the fact that there were no qualified native teachers. This can no longer be used as an argument. SUNTEP, NORTEP and ITEP, in conjunction with the College of Education, are turning out qualified teachers of Indian ancestry who are now looking for employment.

As stated earlier, the profile of the school age population is changing and yet the profile of the teaching population has changed very little. One of the characteristics of a healthy organization is its ability to read the changing needs of the environment it serves and adjust itself accordingly. The education system has fallen behind on this count.

(ii) Native Representation in Curriculum

Recently a report has been issued by the Native Curriculum Review Committee entitled "A Five Year Action Plan for Native Curriculum Development". We wish to add our support to this document. The recommendations submitted by the Committee reflects an awareness that one of the most important ways to make education a meaningful and positive experience for native students and to promote respect and understanding for native people is to integrate native content into all areas of study.

The recommendations put forth by the Native Curriculum Review Committee, we believe, are in keeping with the principles and considerations put forth by the International Congress on the Teaching of Human Rights convened by the Director General of UNESCO in 1978. Canada was a participating member at this Congress which considered ways of having coherent programs of human rights teaching in place by 1986.

(iii) Cross Cultural Training and Cross Cultural In-Service

The Native Curriculum Review Committee interviewed 20 Saskatchewan Directors of Education. One of the concerns identified was: "The need for pre-service and in-service training on teachers' attitudes towards native people. Sensitization of teachers is a vital step to any curriculum development".

We recommend that non-native teachers receive cross-cultural training as part of their continuing education and suggest they call upon experts from the Indian Cultural College, Indian Federated College, the Gabriel Dumont Institute, SUNTEP, and NORTEP. We also recommend that all new

teachers being taught at the Universities receive cross-cultural training so that they may deal more knowledgeably with native children and children from other minorities.

(iv) Native Representation on Boards of Education

Native parents have long ben requesting a say in education matters. Their input can best be served by either reserving seats on school boards for native people or by appointing meaningful advisory boards chosen by the native community and responsible to them. Some may argue that native people need only run for school boards, win, and thus gain a voice. This is easier said than done.

Our democratic system falters if we rely simply on the will of the majority and make no place for the voice of the minority ... rule by the majority may only serve the majority, not the minority. For this reason, other means of ensuring that the needs of minorities will be met have to be considered.

Conclusion

It is apparent that the Department of Education is genuinely concerned with the failure of the education system to meet the needs of native children. It is also the case that the actual delivery of education services is in the hands of independent boards of education, not in the hands of the Department of Education. In considering how the Department of Education can best exercise its authority in this area, we suggest that programs designed to assist native children be required as a condition of funding. Requirements of this kind have been made of educational institutions in the United States under Title IX of *The Civil Rights Act* and of Health Boards and Welfare systems.

The problems facing native children within our education system will increase if no affirmative steps are taken. Studies of projected population trends for native people indicate the proportion of children of Indian ancestry in the schools will continue to rise. The problems we can identify now must be addressed.

QUESTIONS

The Commission posed the following questions for the consideration of individuals and organizations:

1. Is a comprehensive affirmative action program within the K to XII education system an appropriate measure to consider?
2. The Commission's proposal for an affirmative action program within the education system includes the following elements: an affirmative action hiring program, a review of each school's policies and practices, a review of curriculum, cross cultural training for all teachers and native representations at the school board level. Are any or all of these elements necessary?
3. Should an affirmative action program be incorporated into technical institutions, univesities, community colleges or other educational institutions? If so how could they best be implemented?

The Commission is also interested in receiving information on other initiatives or proposals, either under consideration or in place, which are designed to improve the educational opportunities of native learners.

PRINCE ALBERT HEARINGS

The Commission convened its first meeting on February 7th, 1985, in Prince Albert, Saskatchewan. The following is a brief summary of what individuals and organizations indicated to the commission:

Northern Lights School Division

Presentation by John Dorian, Native Studies Consultant, Northern Lights School Division.

Native Control

As a result of past history and current problems with education for Native students, we believe some radical changes are esential. Native People must have more control over and be more involved in all aspects of Native education. The following are basic principles on which any system of Native education must, in our view, be based.

(a) If Native People are to compete on an equal basis with other people in society, they must be able to exercise a greater degree of self-determination over the decisions which affect their own lives. In the case of education and training, this means they msut have a major role in:

— identifying education and training needs,

— planning their education and training programs,

— selecting education and training courses and courses content.

(b) There must be a major Native studies content in all Native education and training programs to strengthen the historical and cultural self-image of students in ways which contribute to their social and economic success.

(c) Wherever possible, Native People should be employed in the support and teaching functions. This must be done in ways which will ensure high quality training and the maintenance of certification standards.

(d) The education and training must provide Native People with the skills required to access all levels of job and career opportunities.

(e) Education policies must give Native students more equitable access to education and training opportunities within existing institutions.

(f) The existing education and training must be adjusted and supplemented with Native studies programs in ways which meet the unique needs of Native People.

(g) For those Native People with education and training deficits which create barriers to their entrance into and success in these education and training programs, there must be opportunity for remedial help.

(h) Special resources for Native education and training must be developed to respond to the unique training needs of Native People. These should not replace resources provided for existing programs, i.e. Native People should have equal access to all those resources for education and training provided to the general population.

(i) There must be adequate training support services (counselling, tutoring, and help in utilization of training resources for individual course assignments).

(j) Support services should be provided through Native support structures and in ways which are efficient and which give Native People control over these services.

(k) Funding levels for Native education and training programs must be increased so that there can be a meaningful and effective education and training program mounted to meet existing and future needs.

(l) Native People must have a major voice in determing how these funds will be utilized and allocated both between education and support services.

(m) Systems must be put in place to link education and training efforts to job finding, job placement, job creation, and career development initiatives to ensure that trainees can move into the labor market when completing their education and training.

(n) There must be a comprehensive system for the monitoring of programs, including a system of data gathering which enables a meaningful evaluation of program results.

(o) Native People must have a major role in this monitoring and evaluation process.

(Page 4)

Northern Lights

(e) Northern Lights School Division #113. This Board, which is made up of Northern residents, most of whom are Native, oversees the operation of 30 schools in the North. It has pushed for special professional training provisions for Native People in the North, committed itself to the employment of Native teachers where these are available, and it is working on the development of Native studies content for school curriculum in the North.

Recommended Steps

To deal with current problems, the following steps are recommended:

(a) the adoption and introduction into the school system of accurate materials and curriculum regarding Native history and culture;

(b) training workshops for Public School teachers to acquaint them with the facts regarding Native history and culture and make them aware of prob-

lems Native students have with the school system and the assistance they need to benefit from the school programs;

(c) the introduction of Affirmative Action programs into the school system to ensure that there are Native teachers to act as role models for students and to ensure that Native students are exposed to the influences of Native teachers.

(d) to expand the existing Community School Programs and turn over the ownership of this program to Native Education councils and Native educational institutions;

(e) legislative provisions which allow Native communities to establish their own Native schools where numbers warrant;

(f) the expansion of counselling and other support services to both students in the schools and parents in the community. (Page 12)

North Saskatchewan Alternatives to Urban Re-Entry Inc.

Presentation by Lawrence Lacendre

Correctional System

Further, it is suggested that 90% of children absent from the school system have graduated into the only system designed to accommodate them — the correctional system. One need only visit a prison once to realize the population is not made of largely young Ukrainians (no offence intended).

But at the same time, one must realize that prisons can boast no success rate at turning out rehabilitated, educated citizens.

This process of de-education young native children find themselves in, is not only a waste of people's lives but also a waste of taxpayer's money. For it surely costs more to incarcerate a person than it would to educate him or her.

The solution is not a simple one but the problem must be addressed. Recently, there has been "a lot of talk" about natives becoming more involved in the management of their own affairs. It's felt school is a crucial place to begin. (Page 2)

This submission went on to recommend the establishment of a North American Aboriginal Peoples' School Board.

Saskatchewan Urban Native Teacher Education Program

Presentation by Rita Bouvier, Director.

Training of Native Teachers

We realize the training of Indian/Native teachers is but one initiative, among many, that is needed to improve the quality of education for Indian/Native children and all children in the provincial system, especially as it pertains to the information received about Indian/Native people. The success of Native teachers or the ability of Native teachers to improve the situation for Native learners is incumbent on other facets of the educational system. Here I refer to such things as policy, decision making structures, teacher training, curriculum and instructional resources. A system which is inflexible to change and is unaccommodating to the realities it is presented with, will lessen the chances of Native teachers making a real difference or having the ability to provide the type of "quality education" expressed by their communities. (Page 1)

Primary Goals

The primary goals of SUNTEP are to increase the representation of Native teachers in urban schools and to train teachers who are sensitive to the educational needs of Native students. In your discussion paper you noted the disparity between Native and non-Native students completing high school and the history of this condition. This disparity was seen to reflect a lack of opportunity for Native people to become teachers and so an ALTERNATIVE DELIVERY STRUCTURE was accepted as part of the design. (Page 2)

Success to Date

SUNTEP over-all has experienced considerable success in meeting its first objective. To date, twenty-three graduates have left either with a bachelor of Education Degree or a Standard 'A' Certificate. Another one hundred thirty-five

students remain in the program with sixteen ready for Bachelor of Education Degrees this spring. A government commissioned evaluation completed at the end of the third year was generally positive. The evaluators found, in their view, that "SUNTEP is a successful and imaginative social program which is, in broad terms, achieving its lofty social and pedagogical aims". (Birnie and Ryan, 1983 p. 1) (Page 6)

Proposals Supported

It then goes without saying that the proposal put forth by the Commission with respect to an affirmative action program to ensure equal opportunity in education for Indian/Native children is whole-heartedly supported by SUNTEP. Without addressing hiring practises, present policies and school practises (programs), curriculum and material supports necessary for teaching, and gaps within the present training programs for teachers, SUNTEP goals and an overall goal of providing a quality education to Native children cannot be fully realized. (Page 7)

Native Star Enterprises Inc.

Presentation by Winston Wuttunee

Mr. Wuttunee made comments regarding the education system and the effect on persons of Indian ancestry. He supported proposals to include native studies in the curriculum of the province.

Northern Lakes School Division

Presentation by Robert Ogram

Proposals

1. School boards, under whose jurisdiction there are schools with 15% or higher native enrollment, should advertise for and seek to hire one or more qualified native teachers (with proper interviews and screening) as soon as a vacancy occurs.
2. Teachers in schools with 15% or higher native enrollment be given workshops on cross-cultural education, using local resource people if possible (and workshops on Teaching English as a Second Language were appropriate).
3. School Divisions with significant native enrollment be encouraged by the Department of education to pilot, evaluate and modify if necessary new curriculum material with native content.
4. In school divisions with significant native enrollment, Division Boards and Local Boards should ensure that adequate representation is given the Indian Band or Bands and that Indian members have full membership status on these boards.
5. The Department of Education should support and continue the work of the Native Curriculum Development Committee.
6. Overall, that Indian Bands, Metis groups, native parents and Indian elders take initiatives as they see fit in determining the direction and improvement of native education. (Page 1)

Department of Education

Presentation by Ken Horsman, Executive Director, Policy Planning and Special Projects Division.

Sharing Concern

The Department of education shares the concerns which the Human Rights Commission has regarding the apparent lack of success of Indian and Metis children in the schools of our province. We are pleased to say that not only is the department in general agreement with the SHRC's proposal, but that substantial action has already been taken in line with your recommendations, and further action is planned. (Page 1)

Human Resources Plan

The Department of Education favours the development of a human resources plan that will increase the number of Indian and Metis people working at *all* levels of the education system. For its part, the Government of Saskatchewan is developing a formal Affirmative Action Plan for employees of the public service. (Page 2)

Divising Plan

The department is willing to work with the boards and the Human Rights Commission to devise an acceptable plan to increase the numbers of Indian and Metis people in the education system. (Page 2)

Studies Undertaken

Comprehensive reviews of practices, policies and programs have recently been carried out by virtually every urban board and by the department. The most recent examples are the Indian and Metis Education Consultations conducted by Arnold Tusa with support from the department's Community Education Branch, a study of the Prince Albert situation done by Dr. Del Koenig, and jointly sponsored by the four Prince Albert boards and the department, and a review conducted by both the Regina Public and Separate School Divisions. The department sees great value in these studies and will use them in planning further programs. (Page 3)

Native Studies

3. *Revision to the Core Curriculum and Development of Accredited Native Studies Programs*

Work in this area is already under way with the *active* involvement of Indian and Metis people. The department is committed not only to reducing bias and misinformation, but also to ensuring that all Saskatchewan children have the opportunity to learn about and respect the Indian and Metis people of the province. (Page 3)

Cross Cultural Training

The Department of Education supports the inclusion of cross-cultural training for students in teacher training programs. Cross-cultural units should be components of most theory and method courses.

The department has developed and implemented the first component of an in-service package for teachers and administrators. (Page 4)

Meaningful Representation

The Department of Education believes that there should be meaningful representation of Indian and Metis people at *all* levels of the education system. (Page 4)

Long-Term Process

Complete success in reversing the poor record Indian and Metis children have in our schools will be a long term process and will be dependent on socio-economic factors, as well as the educational issues involved.

However, Department programs will continue to be developd based on three principles crucial to the future success of Indian and Metis students in our schools:

— Indian and Metis people must be given the opportunity to participate in the education system.

Increasing Representation

In particular, the Department of Education recommends that the Human Rights Comimssion concentrate its energies on developing avariety of strategies that will lead to an increase in the number of Indian and Metis organizations and the boards of education. (Page 6)

Home and School Liaison Program

Presentation by Cheryl Newton, Co-ordinator, Battlefords Indian and Metis Friendship Centre.

Affirmative Action Supported

1. "Is a comprehensive affirmative action program within the K to XII education system an appropriate measure to consider?
2. "The commission's proposal for an affirmative action program within the education system includes the following elements. Are any or all of these elements necessary?"

We feel that each of the elements are necessary. I will ellaborate. — "An affirmative action hiring program?"

The influence of well qualified, well cultured native teachers, on students can only be an asset to any school. The presence of native teachers will provide positive role models for native students and will counteract racial stereotyping in non-native students.

Our contacts with students in the Battlefords suggest that they would feel more comfortable with native teachers in the schools. In fact, any native staff in a

school would help to calm feelings of "not belonging" or "not being understood". Over the past two years, we have witnessed the hiring of three native school staff in North Battleford schools. And the native students really seem to appreciate their presence. (Page 2)

Questions Voluntary Approach

To summarize briefly, we *are* in support of the measures put forth by the Commission regarding a comprehensive review of the K to XII education system, particularly as it affects native students.

I do have some reservations, however, in terms of the *implementations* of such a program. By this I mean, whether or not a voluntary affirmative action program is the most effective method of implementing these ideas. (Page 4)

Presentation by Priscilla Settee

In 1981, Priscilla Settee was commissioned to do a report for the Department of Education, but that report was never released. In her presentation, Ms. Settee outlined what that report said. In the course of preparing the report, 70 students were interviewed, along with a number of parents and some educators. She concluded with the following words:

Process of Dialogue

To date in Prince Albert there has been little initiation to deal with the problems within the school. There has been attempts on the native parents' behalf to initiate that, but that has been met with some skepticism. As a native parent and a member of the parents council, I would strongly encourage the process of dialogue that will help to undo some of these tragic statistics.

SERD Consultants

Presentation by Ernie Lawton and Gene Gryba.

Control

It is our view that Indian and Native children's needs are currently best served in those schools that have, in some say, overcome the stifling embrace of the power structure and where meaningful control is vested in officials directly answerable to the parents on a direct and frequent basis, where the buck can't be passed on, where decision-making is immediate in both time and space.

Right to Education

Certainly, in this day and age, within the relative affluence of our society, in a province with great potential, education appropriate to one's needs must be considered as a right of *all* members of the society. At present, it is our view that Indian and Native children's rights in this respect are being less than fully met. (Page 10)

AWASIS Council

The Indian and Native Education Council made a presentation through its representative, Ed Tokarchik.

Prince Albert Indian and Metis Friendship Centre

Presentation by Julie Pitzel.

Poverty

Poverty is at the root of most psychological, educational and social problems which face Native Canadians today. Recent recessions have created similar but less severe problems for many non-Natives in North America. But for most Native Canadians, poverty has long been chronic and widespread. (Page 2)

Key Component

We feel that education should be considered as a key component of an integrated developmental support system for urban Native people. (Page 2)

In responding to the questions asked by the Commission:

Affirmative Action Supported

In response to question #1, we indeed felt that a comprehensive affirmative action program for the K to 12 education system should be developed and implemented. (Page 5)

Native Hiring

4.2(1) Affirmative Action Hiring Program

Such a program:

— would provide for Native teachers additional opportunities to experience teaching in an urban setting.

— could involve more Native people in cross-cultural training sessions for educators.

— would open new means to contact Native and non-Native resource people in the area of Native education.

— shall be thoroughly planned and should involve frequent training sessions so that Native teachers, aides, counsellors and home-school liaison workers truly are developed professionally.

— would likely modify the "home self" vs "school self" situation experienced by many Division I Native students. (Page 6)

Review of Policies

4.2(2) Review of Each School's Policies and Practices

— could make the school system flexible enough that Native students who leave school late in a school year may be able to complete the year in a special summer course, rather than beginning the whole year over again in the fall.

— might involve nutrition programs such as school lunches available to all students, daycare services for children of students, and flexible school hours to accommodate students who work fulltime.

— should give students more opportunity to 1) participate in decision making in the schools, and 2) give feedback to teachers and counsellors as to how they could improve their grades. (Page 7)

Five Year Action Plan

4.2(3) Infusing Core Curriculum With Native Material; Development of Accredited Native Study Programs Infusing Core Curriculum

— we agree with programs outlined by the provincial Department of Education in its Five Year Action Plan for Native Curriculum Development. (Page 8)

Cross Cultural Training

4.2(4) Cross-Cultural Training for All Teachers

— should be conducted using various agencies and individuals, and should not deal strictly with Native-non-Native situations; it should involve consideration of cultures outside North America as well. (Page 9)

Native Representation

4.2(5) Native Representation on School Boards . . .

— Representation would involve Native people in the decision-making processes of the board, would offer Native people another avenue for input into evolution of the education system, and would reduce the alienation which they feel. (Page 10)

Lac La Ronge Indian Band

Presentation by Chief Tom McKenzie.

Taking Control

The parents and elders saw their educational concerns justified as they saw the children regularly drop-out at a high rate. Only the most determined students continued on to high school graduation. Over ninety percent of the students who entered kindergarten or grade one did not complete high school.

Considering the failure of outside agencies to deliver successful educational programs for their children the members of the Lac La Ronge Indian band decided that they must take control of the destiny of their children through control of the educational programs offered to the children living on the reserve.

Since 1975, the Lac La Ronge Indian band has developed band controlled schools on all its major reserves. (Page 2)

Teacher Training

One of the first steps taken was to initiate a reserve based teacher training program that would prepare bilingual/bicultural teachers to work in the early childhood programs as well as the Cree Language and Cultural Activity programs. Now all the division one classrooms are staffed with native teachers, many of whom are graduates of the band's teacher training program. (Page 3)

Experiencing Success

The students are experiencing success while developing a renewed pride in being Indian. Students are staying in school and are beginning to graduate from grade twelve while retaining their language and traditional skills. (Page 3)

Native Language Programs	Although the band offers Cree language programming to all the students attending its schools, it is only doing so through local initiative. There are no federal or provincial policies in place regarding native language programs. (Page 4)

Harry and Alpha Lafond

Mr. Lafond was representing the Muskeg Indian Reserve. In his oral presentation he discussed the variables establishing a good school climate between the reserve and the school division. He noted the problem of always having to educate teachers on the native culture and he noted the need for the reserves to have more resource material and support services.

Prince Albert Native Parents Council

Presentation by Vicki Wilson.
This organization supported the establishment of a Prince Albert Native Survival School.

Wadena School Division

Presentation by Alfred Selinger, Director of Education.

Right to Education	The Wadena School Division feels that it is the right of everybody to enjoy an education in any school regardless of his/her race, creed, religion, colour, physical disability or ethnic background. We realize that the drop-out rate of native children is higher than non-natives. We also accept the fact that the number of students of native ancestry in the Wadena School Division is 10% of the total student population and admit that the number of teachers of native ancestry is 0%. (Page 1)
Action Taken	The Wadena School Division has taken the following measures to reduce the high drop-out rate of native students: 1. Employ a number of native teacher-aides. 2. Initiating a program for the training of Indian Para-Professionals. 3. Have a number of teachers hired specifically to work with native students. 4. Materials relating to native history and culture have been purchased for the resource centre. 5. Native education in-service workshops have been held. (Page 1)
Qualifications of Applicants	An affirmative action hiring program sounds great in principle but we believe that the first criteria to be considered regardless of race, creed, colour or ethnic origin are the qualifications, training and expertise of the applicants in relation to the requirements and duties of the work to be performed. The ideal situation would be to have competent teachers of the majority and minority bodies so as to provide role models that all of the children could emulate. That should be the objective in teacher selection. To date we have not received any requests from native interns to be placed in any of our provincial schools. (Page 2)
Agreement With Board	Tuition Fee agreements have been signed by both reserves and the Wadena School Division. These agreements authorize each reserve to have a representative on the Division Board. One reserve has had such a member serve on the Division Board for eighteen months. The Education Act also permits such Reserves to have representation on District Boards serving the attendance area of their students. (Page 3)

Sturgeon Lake Indian Band

Presentation by Earl Ermine, Education Co-ordinator.

Recommendations	Allow me to summarize by listing my four recommendations: Firstly: The establishment of a mechanism to facilitate dialogue between Indian Band schools and Sask. Education; Secondly: The inclusion of Indian content into the curriculum;

Thirdly: The hiring of Professional Indian teachers and teacher aides and staff in provincial schools;

Fourthly: An immediate policy change by Sask. Education to allow for the accreditation of teachers in Indian schools. (Page 3)

Roy Fosseneuve

Presentation made by Earl Cook on behalf of Roy Fosseneuve.

Previous Studies

There have been many studies done in the past. In the 40's, Piercy travelled across northern Saskatchewan in one of the first major studies on Metis education. Recently, in the 80's a major study of the provincial K-12 system was completed by the Curriculum and Instruction Review Committee. As a result of this committee the Core Curriculum Advisory Committee has been established. Both of these committee's have identified Indian and Metis education as a priority. The Native Curriculum Review committee recently presented a report to the Minister of Education, which included a five year action plan. As a result of the Native Curriculum Review Committee's report, the Indian and Metis Advisory Committee was established and is presently in operation.

There have been many other studies in between, but the mentioned are mentioned to prove a point. The point is that we now have to *implement* the solutions that have been identified over the years, by various studies time after time. (Page 1)

Affirmative Action

In response to an Affirmative Action Program for the K-12 system, I believe that the report of the Native Curriculum Review Committee more than adequately addresses this area. (Page 2)

Interprovincial Association on Native Employment Inc.

Presentation by Bill Hanson, Executive Co-ordinator.

This presentation suggested that there are two groups of persons of Indian ancestry, each with different interests and life goals. The first of the groups is change oriented and have an interest in life in a complex technical society. The second is a traditional group whose social cultural orientation has not undergone change in recent generations.

Proposal Simplistic

. . . the focus of the Human Rights proposal appears overly simplistic and its questions seem biased towards industrial society. Instead of recognizing the legitimacy of the alternative lifestyle required by the more traditional elements of the aboriginal race, the proposal, in effect, promotes the developmental concept of 'Civilize, Christianize and Industrialize'. The success of this approach is evident in the many Indian/Native people who will appear before the Commission and promote the expansion and intensity of educational and other initiatives which serve the industrial-oriented group to the detriment of the more traditional people.

Obviously what is required is the:

— Articulation of the two basic realities and the goals, aspirations and capabilities of the aboriginal people involved.

— Assessment of the impact of current institutions on the quality of life of each major group.

— Development of curricula which identify the two legitimate but contrasting lifestyles and the benefits each offers its followers.

— Promotion of the dual strategies required to:

A. facilitate the entry and progress of those Indian/Native people who aspire to social and economic objectives available within the highly-structured technological society.

B. strengthen the capability of the traditional or subsistence-oriented groups to identify the institutions, programs and services which they require to re-establish a way of life more compatible with the wholistic lifestyle of their historical past.

Epsilon Systems Inc.

Presentation by Dr. G.W. Sinclair, Principal Consultant.

Success Rates

Presently the non-Indian community has a success rate from Grade 1 to Grade 12 (in the province of Saskatchewan) of approximately 55%. Although accurate statistics are not readily available, INAC sources have suggested Indian students experience a success rate of approximately 10%; even if this statistic is out by a factor of two, it is clearly unacceptable and borders on the immoral. (Page 7)

Curriculum

To enable the Indian community to participate on an equal basis in the curriculum processes of the Provincial education department, opportunities must be provided to expand the development of curriculum packages and revised course content modules whereby the Indians can ensure that their programs are certifiable and accredited within a broader curriculum outline than is presently available to them. (Page 15)

REGINA HEARINGS

The Regina hearings were held on February 13, 1985. The following is a summary of some of the points made by some of the individuals and organizations who appeared at those hearings.

Committee to Establish a Native High School in Regina

Presentation by Blair Stonechild.

Native Population

Today, that has resulted in an estimated 1981 population of 8,268 Registered Status Indians and 13,542 Metis and Non-Status Indians, together comprising approximately 15% of Regina's population. That Indian/native population, according to government projections (Svenson Report Update, 1982) will continue to grow at a significantly higher rate than other segments, so that it has been projected that by the year 2001 it will be 21,361 Registered Status Indians and 47,920 Metis and Non-Status Indians, together comprising 37% of Regina's total population.

Province-wide, the Indian/Native population's growth will also be significant, so much so that it is projected that by 2001 45.7% of children entering school will have Indian/Native ancestry.

Because of the high proportion of youth in the Indian/Native population (over 50% of the population is under 16 years of age) it is estimated that there should be somewhere in the area of 6,000 students of Indian/Native ancestry in Regina. According to the best estimates available, about 10% of Regina's present school population of 30,000 students has Indian/Native ancestry. This is a discrepancy in numbers, but it can be easily explained by the 94% cumulative dropout rate described in the yet unofficial "Inner-City Dropout Study (1982)".

Dropout Rates

Of the various categories of Indian/Native dropouts examined in the "Inner-City Dropout Study" Status Indian students, particularly those recently arriving from reserves had the highest dropout rate.

There is a significant school system already in existence in Indian reserve communities, with approximately 100 schools, including 21 having secondary level grades. A survey conducted recently by the Saskatchewan Indian Federated College showed that in the 1982-83 school year, the high school dropout rate in Band-controlled schools was 13.3% and in Federally-controlled schools was 22.3%.

This dismisses statements by some elected officials taht Indian students in reserve schools have just as high a dropout rate as those in urban schools. (Page 5)

Image of Self

It is our belief that in order for the Indian/Native person to be a good Canadian and a good citizen, it is first necessary for him for him to have an accurate and healthy understanding and image of himself as an Indian/Native person.

The concept of giving the student a positive self-identity, a sense of nationality, an understanding of his place in society, and a sense that he is capable of

exercising some influence over his environment and his future, is part of the basic tenets and philosophy of education. It is our belief that the existing urban curriculum does not do that. In fact, that curriculum often has the opposite effect of making the Indian/Native student feel ashamed, inferior and without a future as an Indian/Native person. (Page 6)

Existing School Systems

It is our belief that these school systems will not make any significnt progress in reducing the Indian/Native dropout rate. The reasons for this are numerous. They include the lack of an appropriate curriculum, lack of adequate counselling and support services, lack of Indian/Native parental and community involvement and the inability to motivate the Indian/Native students. (Page 8)

Segregation

1. Our proposal does not advocate segregation. Segregation is a system of imposed education in which Indian students attend only one school system and white students another. We are not proposing that Native students be segregated. We believe that Native students should always have the freedom to attend the public or separate school systems. What we are in fact advocating is "freedom of choice" — the freedom of a Native student to attend an Indian-controlled high school if he or she so desires. In addition, we have proposed that possibly 20% of student enrollment be Metis, non-status Indian and non-Native students. The important aspect of our proposal is not that the school be for Indians only, but rather that it be controlled by Indian people. (Page 2)

"No One High School"

One of the fundamental problems of public and separate high schools in Regina is that there is no one high school that can be identified as the "high school for Native students" in Regina. Scott Collegiate, for example, while claiming to have high Native enrollment has, from what I gather, only one status Indian students in Grade 12.

As a member of the Minister of Education's Indian and Metis Curriculum Advisory Committee, I am aware of the plans of the Department of Education to develop Indian and Metis curriculum over the next 5 years. I am hopeful that this process will be successful. (Page 6)

Indian Controlled High School

An Indian-controlled high school would be the most feasible means of providing an effective educational program to indian students in Regina. In an Indian-controlled high school it would be possible to concentrate a variety of problems needed by Indian students in one location. It would be possible to hire teachers who have a deep appreciation of Indian-oriented curriculum and who can work effectively with Native students. It would be a feasible method of providing social and cultural counselling support to Native students in need.

It would not only be a logistically simpler method of providing an effective education to Native students — it would also be financially feasible. (Page 7)

Question Proposals

In conclusion, I would like to reiterate that we do not oppose changes which we believe are necessary in the public and separate school systems, however we do have concerns about some of the proposed changes.

For example, we question the wisdom of approaching the issue of Native education from a race relations point of view. We feel that such an approach may be negative rather than positive in nature. We question cross-cultural approaches which too often mean that in crossing the cultural bridge, Indian students are required to go 90% of the way, while white students only need to go 10%. We question affirmative action programs in which Native teacher aides or community workers will be hired in positions inferior to teachers. We know that only teachers, not teacher aides, are empowered to alter the curriculum. (Page 8)

Indian and Native Education Council

Presentation by the Reverend Fred Cuthand.

Affirmative Action

That the Board of Education develop an affirmative action plan for teachers and administrative support staff in the school system for review before the fall of 1984 by the Human Rights Commission; and, that this program address the present inequities in the system over the course of the next five years.

Native School	That the Board of Education support the establishment of a K to 12 Native school. (Page 5)
Cross-Cultural	The Board of Education implement a series of workshops for teachers and other staff on cross-cultural topics and utilize local and provincial Indian and native organizational resources (ie. native elders) (Page 6)
Drop-Outs	The issue of displacement/drop-out is a particularly concern. We believe the facts speak for themselves. Our educational system is not responsive to the needs of our Indian and native young people. We recognize that we are living in changing times and that the relevance of curriculum, the opportunities for training and employment, are all part of the aspirations of young people. We believe it is unacceptable that our youth should begin to drop back in grades 2, 3, and 4 and drop-out in elementary school at a rate of one in five.
Order Affirmative Action	The issue of curriculum is very relevant and we commend the report of the Native Curriculum Review Committee for their Five Year Action Plan for Native Curriculum Development presented in March, 1984 to the Honourable Pat Smith, Minister of Education. The report only provides a stepping stone for the future. The Indian and Native Education Council encourages the Human Rights Commission to follow the implementation of this report. (Page 8)
	In our deliberations as a council we have often considered the issue of 'role models'. From our perspective this issue has a great deal to do with the success of our educational systems. Without appropriate role models for our Indian and native young people we will continue to see a high failure rate and a high drop-out rate among our children. For this reason our council had formulated a recommendation on an affirmative action plan in presentations to the boards of education in this city. We believe that the Human Rights Commission is pursuing a proper course in considering this question of an affirmative action program. We are seeing more and more Indian teachers in this province and we must begin to provide for their access to our school systems. We can only do this in a planned way. *The problem is that there are fewer persons of Indian ancestry in the educational system than is reasonably expected of their proportionate representation in the population.*
	We believe that there are a number of steps that should be considered in this area by the boards of education. We also recognize that there is a reluctance on the part of boards of education to proceed with a plan that moves towards more equitable representation. We would encourage the Human Rights Commission to consider ordering an affirmative action program should a plan not be forthcoming. (Page 9)
Systemic Barriers	The Indian and Native Education Council believes that there are systemic barriers that also exist in the system of staffing in the educational system. We believe that a review is in order that considers; recruitment procedure (including advertising), position classification specifications, including experience equivalences, examinations.
	We believe that these considerations should also include the target groups of women and persons with physical disabilities. (Page 12)
Affirmative Action Needed	We believe that affirmative action programs or plans should be incorporated into all of our education institutions. We believe that we may be waiting for a long time if the Human Rights Commission does not consider compliance before a specific period of time. We believe that the situation is critical in this province insofar as the extreme drop-out rate is concerned and therefore encouraged the Commission to consider action prior to the 1985 school year. (Page 13)

AWASIS

Presentation by Richard Kotowich.
The Council outlined its objectives and interest in the education of native students in Saskatchewan.

Saskatchewan Association of Friendship Centres

Presentation by Anita Howell, Administration Assistant.

Today I would like to express to you the Saskatchewan Association of Friendship Centres view on the Comprehensive Affirmative Action Program" suggested by the Human Rights Commission. Yes, we agree a program such as this should be implemented in both the elementary and the high school level.

Affirmative Action

We agree in:

1. An affirmative action hiring program as it pertains to Native people.
2. A review of each school's policies and practices in regards to Native students.
3. A review of the existing curriculum to identify potential material for Native studies classes.
4. Cross-cultural training and in-service training for all new and current teachers.
5. Native representation at the school board level. (Page 1)

University of Saskatchewan

Presentation by Lloyd Njaa.

1. Affirmative Action Hiring Programs

We do not see the need for an Affirmative Action Hiring Program. We much prefer to see School Boards be encouraged to hire qualified Native graduates. The situation in North Battleford offers us a good example. While we do recognize what can be accomplished by an Affirmative Action Hiring Program, it does not appear to be necessary if an active interaction program could be developed. To develop a grant system for the hiring of Native Teachers is probably a more palatable way to go, though we do not see the needs for this either at this time.

2. Comprehensive Review of School Practices and Policies

While we do support the idea that School Boards have responsibilities in the areas of hiring and curriculum, we feel that a study of the policies and practices of hiring and curriculum development should be done.

3. Core Curriculum

We support the notion of "Native Content" being introduced whenever possible in the curriculum. We believe it is better to introduce this material in as many subjects as possible rather than in an isolated subject called Native Studies: although at the higher grades a course in Native Studies might be a good thing.

4. Cross-cultural Training for all Teachers

We certainly support this suggestion. At the present time we in the College of Education at the University of Saskatchewan are working on the content and process by which every one of our students would be involved in cross-cultural education in many courses in the B.Ed. program. Furthermore, we believe that cross-cultural education should not be restricted to the Indian/Metis people but should deal with the content across many cultures.

5. Representation of Native Concerns at the School Boards

This is a difficult question to answer. Certainly, representation is a good thing but, the process of establishing this representation is the difficult problem. (Page 1)

Family Service Bureau

Presentation by Florence Driedger, Director.

Breakfast Programs

. . . my concern is children in the current system.

If we agree children need to learn then what are the things that prevent them from learning. Currently some things that create problems are;

a) inconsistent attendance,
b) falling asleep,
c) lack of alertness,
d) moves

We could say parents should have children go to bed earlier, not have family problems, give children good breakfasts, not move, etc., and that the poverty issue should be addressed.

However, in the meantime, we all know children will continue to suffer because these issues cannot be rectified in the short run.

I therefore propose that a school breakfast program be developed and implemented. This would be of more concrete help to the issue of attendance, alertness and wakefulness.

Students of Scott Collegiate

Presentation by Leah Bitternose, Theresa Bellegarde, Cheryl Watson, and Michelle McKay.

Barriers

There are a number of barriers which are placed in the way of Indigneous students. The school curriculum is geared towards non-Indigenous students. Most courses are based on the assumptions of white middle-class values. There are textbooks currently in use which still describe Indigenous peoples as "savages" and "squaws".

Cross-Cultural

Why is it, for instance, that Saskatchewan is one of two provinces in Canada which does not offer cross-cultural courses to prospective teachers? This is especially puzzling in light of the fact that Saskatchewan has one of the highest ratios of Indigenous peoples. (Page 2)

Role Models

Also, there are few Indigenous teachers to serve as role models. How can Indigenous students become professionals when they don't see any Indigenous role models in the school system? (Page 3)

Saskatchewan Action Committee on the Status of Women and the Saskatchewan Native Womens Association

Presentation by Anne Currie and Mary Morin.

Proposals Supported

The Saskatchewan Action Committee on the Status of Women (SAC) and the Saskatchewan Native Women fully support all of the proposals by the Human Rights Commission. A comprehensive affirmative action program is not just desirable but essential. If steps are not taken in all of these areas, little progress will be made.

1. The hiring of more Native teachers must be seen as a top priority for the education system and maximum support should be given to Native controlled teacher training programs for the development of these qualified Native teachers. While teacher aid programs are good, the emphasis should be on qualified, degree teachers that are equal in status to other teachers in the system.
2. Every effort should be made to have a reasonable number of persons of Indian ancestry in positions of authority — principals, superintendents, consultants and policy makers.
3. Curriculum changes such as are suggested in the Five Year Plan for Native Curriculum Development are important in the long run. We agree with the Native Curriculum Review Committee's point that these changes should be targeted at all children. This will help to overcome the deep seated prejudice that exists against Native people in this province. (Page 2)

Native Women

6. Native women suffer multiple discrimintion based on race, sex and economic conditions. Any affirmative action program should be designed to take their special needs into account. (Page 3)

Voluntary Approach

At the moment, the opportunity for voluntary affirmative action is there for any educational institution. Unfortunately, many do not recognize the need. (Page 3)

Funding

... They currently receive their funding for enrollment in September and are not penalized for any drop-outs during the year. There is no accountability in terms of numbers of graduates in the funding process.

Further, there is no requirement to spend dollars received for Native children on Native children. (Page 4)

Economic Interests

It is not in the economic interest of the school boards to adopt affirmative action. THEY WILL NOT VOLUNTARILY MAKE THE CHOICE. (Page 4)

Recommendations

1. Clearly the Human Rights Commission must take every step in its power to ensure that Affirmative Action is compulsory throughout the province and at all levels of education including:
   - curriculum change
   - hiring practices
   - cross-cultural training
   - representation on school boards
   - review of policies and practices
2. The Department of Education and The Department of Advanced Education and Manpower should make affirmative action including clear results a condition of full funding. Certainly, schools should not receive funds for children who have dropped out. (Students tend to drop out in the first three months, but schools get paid an annual amount for all students registered in September).
3. In the process of setting up Affirmative Action Programs, Indian and Native parents should be actively involved. They should sit on committees, and participate in the formulation of local policies and procedures.
7. If the school boards fail to respond to reasonable pressure for change, the Human Rights Commission should take the initiative and file a class action suit against a particular employer on behalf of children of Indian ancestry. The evidence is so strong and the problem so severe, that any action which will call school boards to account is warranted.

Saskatchewan Federtion of Labour and Canadian Labour Congress

Presentation by Barb Makeechak and Ron Fisher.

Supports Affirmative Action

The Federation has long been on record as supporting Affirmative Action programs as a means of eliminating discrimination against any group of people in employment, education, tenancy or services.

We support the proposal that an Affirmative Action program be immediately undertaken to develop and implement hiring programs, which will improve the representation of teachers of Indian ancestry, women and persons with physical disabilities. This program should involve employees of the Department of Education in an equal proportion to management.

We view the Commission's proposals to review each school's policies and practices as essential elements to the development of a genuine high quality program.

With respect to curriculum review, we believe that public attitudes towards native people may be developed in part during the formal educational process in both elementary and secondary schools. (Page 1)

Robertron and Fern

Presentation by Lloyd Robertson and Margaret Fern, Trustees of the Regina Public School Board. Both Trustees appeared as individual Trustees and not as representatives of the Board.

Initiatives Taken

... the Regina system *has* taken a number of initiatives to address te problems of native education. It has established community schools which make special efforts to involve Native families, Native aides have been hired, there has been a modest increase in the hiring of Native teachers. In addition, our administration has provided in-service workshops on Native culture for principals and teachers

and there is no doubt that there has been an increase in sensitivity towards Native concerns at the administrative level. Recently, an interracial committee has been established on which several prominent Native leaders from the community are members.

If one accepts the statistic that 15% of Regina residents is of Native origin then it is totally unacceptable that only a handful of Native students graduate from grade 12 each year. In our view, global remedial measures are necessary to facilitate an educational climate in which Native children can feel comfortable and can be assisted to develop their full potential.

Accordingly, we would support the principle of Native affirmative action programs in school systems. We would point out that such programs should be designed to apply to all levels of employment within a school system and not just teachers. (Page 1)

Components

We would strongly urge that components of any affirmative action program should be the full coopertion of employers, unions and minority group interests. We would further strongly advocate that any affirmative action program should be a finite life-term — ie. - until the point that employment representation of the target group is proportional to the population of that group in the community. (Page 2)

Broader View

Margaret has spoken to the common view of affirmative action. I wish to speak to the broader definition.

As trustees, our primary interest is that of the students. The only figures we have available suggest that in excess of 90% of native students drop out of school before completing grade 12. We would suggest that any action taken to relieve this disastrous waste of human resources is affirmative action. (Page 2)

Native Content

We support the recommendations of the Native Curriculum Review Committee that there should be increased emphasis on the curriculum including program evaluation, design, implementation and maintenance as it impacts on Indian and Metis students. We agree with the committee that the province of Saskatchewan does not have a native education policy and that one must be formulated in consultation with Indian and Metis parents and educators. (Page 3)

Cross-Cultural Parent Participation

We recommend:

2. That Indian/Native advisory committees be struck where desired by the native communities and that these committees have the mandate to investigate all areas of school functioning with the power to make recommendations to their respective boards.
3. That Indian and Metis leaders be encouraged to run for school board positions. While we do not agree that a special seat be reserved for this purpose on urban boards, we do believe that this could be facilitated by the adoption of a ward system.

Minister Responsible for Indian and Native Affairs

Presentation by the Honourable Sid Dutchak, Minister of Indian and Native Affairs.

Shares Concerns

The province shares the Saskatchewan Human Rights Commission's concern about the achievement rates of aboriginal students. (Page 2)

Key Principles

A number of key principles underlie the development and continued operation of the education and post-secondary education programs just described. The more noteable of these key principles includes the following:

1. Aboriginal programs will be developed or maintained where special needs are recognized or where universal program services are not sensitive to the needs of aboriginal people.
2. Consultation should be undertaken with aboriginal individuals and organizations on program design to ensure aboriginal involvement and commitment in the development of long-term objectives.
3. Delivery of programs should include the participation of aboriginal people

either through the use of aboriginal organizations in third party delivery or through the use of aboriginal organizations in third party delivery or through the direct employment of aboriginal people. (Page 8)

Regina Native Women's Association

Lack of Education

Further, the Regina Native Women's Association recognized that a lack of a basic education has immediate and long-term consequences on native and non-native alike. These consequences are negative and may include; continued, prolonged utilization of the social service system, high unemployment rates, alcohol, drug abuse, poverty; like living conditions, incarceration, prostitution and other unhealthy living patterns. (Page 1)

Recommendations

. . . the Regina Native Women's Association recommends the following be implemented into the existing educational system:

a) Inclusion of Native Curriculum

Positive history that expresses the views of Indian/Native People and consisting of political cultural and socio-economic situations.

b) Curriculum be taught in Indian/Native Languages

Would include Native Teachers to teach the language to Native students and curriculum be developed in Indian/Native language.

c) Employment of Indian/Native Role Models

Would include teachers, administrators, principals, secretaries, janitors.

d) Cross Cultural Education

Would include the parents of both Native and Non-Native students, all staff employed by the educational system and the general public.

e) Indian/Native Participation in Policy Decisions, Educational Direction and Administration. (Page 4)

Onion Lake Tribal Administration

Presentation by Chris Stuhr and Joe Carter.

The Band raised the concern that provincial schools could develop local courses and have them recognized by the provincial government, whereas the Band schools could not. In addition, they pointed out that there are certain differences and practices in teacher accreditation in the provincial schools compared to the Band schools.

Native Content

Saskatchewan Education, to its great credit, has established a five-year plan to incorporate Indian and Metis content in the core curriculum. In this connection, Saskatchewan Education announced the establishment of an Indian and Metis Curriculum Advisory Committee in November of 1984. The intent here is good, and we fully support it. (Pge 8)

Gabriel Dumont Institute of Native Studies and Applied Research

Presentation by Keith Goulet, Executive Director.

Involvement

The Gabriel Dumont Institute of Native Studies and Applied Research strongly supports the Saskatchewan Human Rights Commission's call for recommended solutions to affirmative action in education. This initiative is extremely important in the light of existing provincial legislation and its inclusion in the Canadian Constitution as of April 17, 1985. (Page 1)

Two, that Gabriel Dumont Institute of Native Studies and Applied Research is directly involved from the initial to the final processes of decision making in regards to the development of affirmative action systems and education. Recent responses to the hearings show very clearly that even the development of a process is an important component.

Rationale and Background

1. The devastating effects of our educational systems on Indians, Metis and Non-Status Indians can no longer be denied or hidden. Tons of research,

reports, daily observations and live experiences are a concrete manifestation of this reality. Nothing short of a major overhaul of the system is required.

2. From a strategic viewpoint, voluntary affirmative action has had minimal impact. Its positive small scale development has largely been over-ridden by the subtle but pervasive practice and ideology of racism, sexism and handicapism. Furthermore, these efforts are usually put forth by organizations or institutions who already have empathy and understanding. There is therefore little or no impact on institutions where the greatest systemic barriers exist.

3. The small scale but qualitative impact of existing affirmative action programs such as SUNTEP and NORTEP is already known. Teachers of Indian ancestry now serve as positive role models in the classroom. The culture and languages of Indigenous people are now being developed in the classroom situation. Recognition and respect is now taking place between Indigenous and Non-Indigenous people who are working side by side in the schools. (Page 1)

Mandatory Affirmative Action

In summary, the experience of existing affirmative action programs has therefore been positive. Their impact on systemic barriers in particular situations have been significant. But, the voluntary system is moving far too slowly with little impact on the larger population of Indigenous people. The present situation is thus unforgiveable. A mandatory affirmative action strategy is required.

Recommendation

1. That a mandatory affirmative action policy in hiring of all staff at all levels in all educational institutions funded by the provincial and federal governments be undertaken following a three year voluntary period. (Page 2)

Regina Public School Teachers Association

Presentation by Evelyn Mazurkie, Marion MacIver and Allen Wills.

Native Material

. . . the backbone of education, must address issues concerning native people. Consequently, there must be an infusion of native material into the existing curriculum. (Page 1)

Recommendations

In summary, as a concerned teachers' association, we would recommend:

1. that native materials be infused into the existing curriculum
2. the development of alternate curriculum delivery systems
3. that steps be taken to enhance the school environment
4. the continued hiring of native teachers
5. the encouraging of native teachers to teach at the upper elementary and high school levels
6. the continuation of cross-cultural in-service programs for teachers employed by school boards, and
7. the continuation of native teacher education programs. (Page 5)

Disabled Persons Employment Service

Presentation by Jackie Ross, Director.

Affirmative Action

We believe the implementation of an affirmative action program within the Board of Education will benefit all students and that it should expand to include universities, technical schools and community colleges.

Connaught Community School Council

Presentation by Lizabeth Nicholls-Blackbird.

The Constitution of the Council provides that the composition of council members shall, as nearly as possible, reflect the ethnic mix of school enrollment and the proportion of Indian and Metis council members shall be equal to or greater than the percentage of Indian and Metis students enrolled in the school.

The Council commented extremely favourably on the community schools program, and in particular, the community schools program at Connaught school.

Affirmative Action

Affirmative Action programs should be implemented so that the school Divisions may actively advertise for staff of Indian/Metis ancestry to fill vacancies. Although Regina School Division has a fairly good record of hiring Indian/Metis staff for Teacher Assistants and Co-ordinator's positions, Affirmative Action clearance would protect the Board from legal action in the event qualified non-Native candidates are not selectred in favour of persons of Indian/Metis ancestry. Furthermore, an Affirmative Action Program could encompass the hiring of Indian/Metis teachers as well as the upward promotion of the target group employees into principalships, consultative and administrative positions. (Page 3)

The Saskatchewan Association on Human Rights

Presentation by Dan Danforth

Electoral System

1(a) Since the current system of electing school trustees has not attracted a repesentative number of Indian and native persons, we recommend that the present system be changed, so that the predominantly native areas could have a chance of electing a trustee to voice their concerns.

Advisory Committee

1(b) We cannot wait for the electoral process to change, for this recommendation to happen, therefore; we would recommend that a native advisory committee be established that would be responsible to native organizations and, further; that any recommendations that are arrived at, be binding on the school board. (Page 2)

Role Models

The ratio of native teachers, administrators and maintenance workers to native students is very inadequate. In order for native students to have realistic goals, there must be more native role-models. We have an enormous 'Catch-22', there won't be more Indian/Native teachers unless we graduate more Indian/Native students, we won't graduate more Indian/Native students unless we have more Indian/Native teachers. How do we break this chain? We must be willing to encourage innovative teacher training programs to alleviate this situation.

Recommendations

3. That there be improved efforts to help native students realize their potential through; native liaison officers, information/education sessions and any effort at any level to improve the quantity of native students entering the teaching profession.

4. That the school boards adopt an affirmative action hiring procedure for Indian/Native teachers, teacher aides, maintenance workers, office workers and administrators. (Page 3)

Action Now

In conclusion; the Saskatchewan Association on Human Rights sees that the education of Indian/Native people must be addressed immediately. There have been studies, there have been hearings, there have been symposium, there have been debates, there must be action — NOW.

Youth Unlimited

Presentation by Brian Hanson.

This organization has developed after school tutorial programs for elementary school students. This program is operated on a daily basis. The majority of students in attendance are students of Indian ancestry.

Affirmative Action Commitment

The focus of the Human Rights Commission on affirmative action is an appropriate focus. Youth Unlimited of Regina is accessed by a large number of children and youth of Indian ancestry because we utilize a majority of staff that are of Indian ancestry. In particular, our recreational programs are very busy. Young people from the native community can find others from their community involved in leadership roles within our programs. This focus by our organization is intentional and based on our interest in continuing successful programs and worthwhile outcomes.

In the school system under jurisdiction of the Regina Board of Education there are approximately 1300 teachers. My information is that there are seven

teachers or teacher-aides across the system. Our organization believes that if an affirmative action commitment were made by the Regina Boards of Education it would be a positive step forward. We feel that an affirmative action commitment should be encouraged across the educational system in Saskatchewan. Role models are critical factors in ensuring that we can meet the needs of children of Indian and native ancestry. (Page 3)

Recommendations

We recommend specifically the following objectives:

1. Formulation and implementation of a plan designed to increase the representation of persons of Indian ancestry across the school systems of Saskatchewan.
2. Adopt a goal of a Saskatchewan education system that reflects the proportionate representation of persons of Indian ancestry in the general population.
3. Ensure a personnel management system is in place throughout the Saskatchewan education system that ensures equality of outcome for all citizens of Saskatchewan thus making affirmative action plans unnecessary. (Page 6)

Ordering Affirmative Action

In regard to the issue of compliance. We feel that the Human Rights Commission should follow the recommendation of the Indian and Native Education Council and consider ordering school board jurisdictions to develop and implement affirmative action plans if they are not forthcoming before the school year 1985-86 begins.

Dunbar and Spicer

Presentation by Michael J. Spicer.

System Has Failed

The authors of this submission unreservedly agree with the opinion that the publicly supported school systems of Saskatchewan have failed young people of Indian ancestry. The provision of successful educational programmes and the establishment of suitable learning environments for our native youth have not materialized. The research strongly demonstrates that the potential of native youth has not been developed in the school systems to the same degree as that of most other Saskatchewan youth. (Page 1)

Confidence

While we believe that the situation for native students in our schools is an embarrassingly intolerable one given the provisions of *The Education Act (1978)* guaranteeing access to appropriate forms of education, we have confidence in the Department of Education and the school boards to work in cooperation to solve problems associated with native education without acting hastily or lacking a proper understanding of the situation based on scientific study. (Page 27)

Not Support Affirmative Action

Since section 13, as stated earlier in this submission, is much more limited than the Commission has suggested in its article, we do not think that affirmative action orders dealing with educational policies would be ruled valid, except for hiring policies. (Page 28)

Stop Action

We suggest that the Commission for the time being drop any thought of *imposing* measures intended to improve educational opportunity for native children through mandatory affirmative action. A good deal is now being done with the same objective as that of the Commission. It is being done voluntarily by teachers, school administrators, trustees and governmental officials who know about the nature of our Saskatchewan education system.

It is true that the results are by no means as impressive as everyone involved might hope. But the Commission's proposals for mandatory affirmative action are a venture into a field where its legal jurisdiction is often in doubt, where its proposals are not likely to be effective as a remedy for native problems, and where (as in the case of an affirmative hiring policy) public hostility is likely to be provoked. (Page 33)

Glenn Bellegarde

Presentation by Glenn Bellegarde.

In commenting on the Commission's proposals in its discussion paper, it was though the proposals were positive, but there was doubt that any of them would have much effect in lowering the drop-out rate of native students in the school system. As other options that ought to be considered he suggested a tutoring facility for native students and he suggested the use of native residential schools.

He noted that many negative things have been said about residential schools. He felt they were an option that might be of assistance to native students.

OTHER SUBMISSIONS

In addition to those who made presentations at the hearings of the Commission, others chose to write the Commission or meet privately with the Commission. Below is a summary of submissions to the Commission, which were not made at the hearings:

Prince Albert Public Board of Education

In a letter dated November 12, 1984, Mr. Jack Matheson, Chairman of the Prince Albert Board of Education Division No. 3, made the following comments to the Commission:

Steps Taken	Our school division has been actively investigating the provision of educational programmes to all students, including those of Indian and native ancestry. Our work has involved participation in research studies, establishment of community schools, employing native personnel, assisting in training native teachers, employing personnel to establish liaison with Indian and native families, special programming and discussions with Indian and native families to improve communication and participation. It is a slow process but we have taken significant steps.
Affected by History	We realize that there is discrimination, bias and prejudice — but this is a fact of history established over more than a century. As a school division we cannot remedy the ills of history. We are taking positive steps and in co-operation with the Department of Education, other school divisions and our local population we will continue to work to improve our programmes and approaches.
The Commitment	The total community, local, Provincial and Federal must be willing to make the commitment to change and to follow through with action. We will do our share but we are not a vehicle for changing the attitudes of all of the society. As a Board of Education we are willing to continue to work with the Department of Education to consider and implement those changes that will improve education for students. We are willing to continue to share ideas with all our electors and supporters, we believe in listening to our parents and our public. We will, in conjunction with the educational authorities within the province continue to take a leadership role in working to improve the provision of educational services to children.

Prince Albert Roman Catholic Separate School Board

In a letter dated January 24, 1985, written by Michael R. Beaudoin, Director of Education for the Prince Albert Roman Catholic Separate School Board, Division No. 6, the question was asked as to whether the Commission's legislative mandate was to consider "whether people enjoy the right to education, or whether there is a right to enjoy education". The answer to this question is clearly found in Section 13 of the Code, which indicates that "every person and every class of person shall enjoy the right to education . . . without discrimination . . . "

Prince Albert Comprehensive High School

In a letter dated December 18, 1984 from M. Peregoodoff, Director of Education for the Prince Albert Comprehensive High School Board, the following comments were made:

Education Programs	The Board and its' staff have been actively involved in the provision of educational programs to all students including those of Indian and Native ancestry.

During the past two to three years the Board, staff and students of Carlton have participated in a number of research projects that addressed the provision of educational services to students of Indian and Native ancestry. We have the results of a number of these recent studies on hand.

Commissioning A Report

In January of 1984, the Comprehensive Board initiated a study of its own school operation. The study was completed in October of 1984 and a significant component of the study dealt with the improvement of educational services to Indian and Native students. The recommendations emanating from the final report are currently being evaluated for implementation by the Board, staff, students and community.

Saskatoon Board of Education

In a letter dated January 17, 1985 from R.G. Fast, Director of Education of the Saskatoon Board of Education, the following comments were made:

Native Curriculum Development

I was instructed, however, to advise the Commission that the Board supports the 21 Principles and Guidelines for Native Curriculum Development released by the Department of Education, that we oppose all forms of discrimination against all races, that we have a policy on Race and Ethnic Relations, and that we have numerous programs in place in Native Education.

Steps Being Taken

For example, you may be interested to know that approximately 100 students (25% of Nutana Collegiate's population) are of Native ancestry. We also have Native Heritage Programs, Community Schools, and many other programs for Natives.

The Saskatoon Board of Education also forwarded a copy of its policy on Race and Ethnic Relations, which provides as follows:

Race and Ethnic Relations Policy

In accepting Article 1 of the United Nations "Universal Declaration of Human Rights" which states:

> All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood;

and in recognizing that racism, racial prejudice and ethnic discrimination do exist in Canadian society; the Saskatoon Board of Education adopts these statements as its RACE AND ETHNIC RELATIONS POLICY:

1. That the Board of Education develop and promote racial harmony among students, staff, and within the community it serves.
2. That the Board of Education develop programs which provide children with opportunities to develop positive attitudes toward the cultural heritage of all peoples regardless of religious and racial diversity.
3. That the Board of Education, in recognition of the contributions which the following can make to racial harmony, continue to encourage administrators to ensure that the curriculum includes multicultural education, languages other than English, and English as a second language as needed.
4. That the Board of Education instruct Administration to consider that one essential criterion for the purchase of books, audio-visual materials, and other learning resources be the absence of stereotyping based on race, color, religion or ancestry.
5. That the Board of Education request Administration to provide opportunities for inservice programs for all staff which would equip staff members with the skills and knowledge to be sensitive to people of all races and origins.
6. That the Board of Education affirm that it is an Equal Opportunity Employer.
7. That the Board of Education condemn, and refuse to tolerate, any expression of racial or ethnic bias in any form by its students, staff or trustees.

8. That the Board of Education provide the Director of Education with authority to refuse to admit to schools and to classrooms any person, group or association whose intent it is to promote discrimination on the basis of race, religion, color, nationality or place of origin.

Saskatoon Catholic Schools

In a letter dated November 4, 1984, from K.F. McDonough, Director of Education for Saskatoon Catholic Schools, the following comments were made:

Constructive Initiatives

. . . we wish to commend you on the expressed interest by the Commission for concerns surrounding developments in Indian and Native Education.

As you are no doubt aware over the last few years there have been many positive and constructive initiatives taken in terms of the types of programs the commission recommends for Native and Indian Education. These responses have developed because of concerns similar to those which are expressed in the commission's discussion paper.

Native Curricula

The recent provincial review of Native curricula in Saskatchewan culminating in the report: *A Five Year Action Plan for Native Curriculum Development*, the engagement of curricula writers and the current review by MLA Arnold Tusa, legislative secretary to Education Minister, Pat Smith are encouraging and positive signs of the support systems which are being established for the develpment of programs at the local levels.

Special Measures

The Board of Education is in agreement with the Commission's statements that special measures must be undertaken to ensure that native children receive education as an equal, and that this end will best be achieved through programs implemented at the local level. Such programs can be designed to meet the specific needs and characteristics of local schools and local children.

The above attitude is expressed in the enclosed brief which the Board presented to Mr. Tusa's committee in January, 1984. This brief contains the Board's blueprint, the Circle of Life Native/Indian Education Program, for development over the next few years.

The Saskatoon Catholic Schools forwarded the Commission a copy of its presentation to Mr. Arnold Tusa. In that presentation, outlined some of the special measures that it was taking.

Goals of the Program

— To develop initiatives as well as to provide support for existing system activities related to the education of Native/Indian students;

— To provide inservice education which will increase the understanding and knowledge among students and staif of Native/Indian perspectives, history and cultural values in order to dispel negative stereotyping and to promote cross-cultural communication;

— To encourage the participation of Native/Indian people in Catholic Education, including their membership on school boards, as administrators and teachers, as par-professional workers and as parents and students;

— To promote increased involvement of Native/Indian parents at the local school level;

— To provide structures which will enhance Native/Indian home-school liaison;

— To enhance programs, units or cultural activities offered to all students in the area of Native/Indian studies;

— To assist in creating an educational environment which will encourage continued participation of Native/Indian students to graduation and beyond;

— To work in cooperation with various Native/Indian organizations in order to obtain their assistance and support and to help them realize their aspirations for their youth.

Proposed Expansion

IV. Proposed Expansion of the Circle of Life Native/Indian Education Program

Despite the efforts of all those individuals and agencies mentioned in preceding

sections there is an ever growing need to further assist students. One means of further maximizing the equality of opportunity for Native/Indian students would be an expansion of the present components in the Circle of Life Program.

Regina Public School Board

By a letter dated November 15, 1984, from John Beke, Chairman of the Regina Public School Board of Education, the following comments were given:

Hiring Native Teachers

3. With respect to the number of Native teachers in the school system, the Commission's reasoning is as follows: there are so few Native school teachers in our system, ergo; there must be discrimination. This is flawed deductive reasoning. If the circumstances are that qualified Native teachers are not available, this might be another reason for the lack of Native teacher in public schools. In fact, the Regina Public School system has attempted to hire Native teachers and only this year, because of the graduation from the SUNTEP program, have they been available. The Regina Public Board has not been in the position to hire a large number of teachers because of school closures. But of the six positions available (none of the Native applicants were qualified for the many French Immersion positions open), four were filled by Native teachers. Of the nine SUNTEP graduates available, three were hired by the Regina Public School system.

Leadership Role

4. The Regina Public School Board has been a leader in developing new and innovative programs for Native children. This system pioneered the prototype of the community school. Our programs for Natives are second to none in Canada. This is confirmed by an independent study carried out by the Educational Research Institute of British Columbia *(Evaluation of The Community Schools Program)*, a study commissioned by the provincial government. In commenting on the community school program, this evaluation concludes:

> The community schools program is, without a doubt, the largest and most successful program directed toward the social problems of inner-city students in any Canadian province. It provides a *constructive* means of enabling schools to bridge the gap between the culture of the schools and the culture of the home.

The report further states:

> It must be realized that a program which has only existed for two or three years cannot be expected to have measureable effect on student achievement. Even in the long term, because of the high degree of mobility of the population served by the community schools, any research on this issue necessarily will be difficult. Nor is it reasonable to expect the program to have an impact on the mobility, which is rooted in complex structural factors. However, community schools have made notable gains in terms of community involvement and programming. Reciprocally, we can infer that the alienation of inner-city poor from the school has been reduced. But because the problems are deeply rooted in society, it is not reasonable to expect a quick remedy. Only intensive programs such as this can be expected to effect permanent social change, and only after continuing efforts over a lengthy period of time.

The Regina Public Board of Education has not rested on its laurels, but has, since that evaluatioon report, moved to implement many new recommendations advanced by Native groups. In our view, the consultative process with the Natives is working and should be given a chance.

Regina Catholic Schools

In a letter dated November 26, 1984, from Mr. John Lipp, Chairman of the Board of Education for the Regina Catholic School Division, No. 81, the following comments were made:

Initiatives Taken

. . . the Regina Roman Catholic Separate School Division has undertaken several initiatives to better respond to the needs of Indian and Metis children in its schools. In addition to the numerous special programs established to respond to all special needs children within our school jurisdiction, additional actions were taken to help Indian and Metis students in particular. The Community Schools Program was started in 1980 and includes four of our schools. Plans are in progress to expand this program to include two other schools. Voluntary pre-school programs have been accommodated and supported within our schools. A native education consultant has been hired to provide assistance to teachers of native children and to assist in curriculum modification and adaptation. In-service workshops on native education have been conducted at school and school system levels. Special investigative committees have been established to make recommendations regarding this matter to the Board.

Recommendations for Future Action

The recommendations of the most recent committee were accepted by the Board in the Spring of 1984 as follows:

1. That educational consultative services and professional educational service be provided to pre-school programs which operate on a voluntary basis in our community schools.
2. That the Community School Program not only be continued in our existing community schools but also be expanded to inner-city schools which meet criteria.
3. That student counselling services in elementary schools be increased.
4. That staffing practises for inner-city schools reflect the need for a positive role model for native students.
5. That changes and innovations in the academic programs to better reflect the cultural background of the students in inner-city schools be promoted and facilitated.
6. That alternate high school course offerings and curricular adjustments be established or undertaken in schools where there is a significant native student population and a high incidence of early school leaving.
7. That the community School Program be expanded to inner-city secondary schools and that this expansion be started with the hiring of a native co-ordinator, counsellor, or teacher.
8. That extra-curricular, co-curricular, and intramural programs be promoted in all schools and that special emphasis be placed on involvement of disadvantaged students in these programs.
9. That a study of successful alternate educational programs for school dropouts be made and that such a program be established in our school division.
10. That teacher professional development opportunities and programs be designed to help teachers to better respond to the needs of native children and "at risk" students.
11. That school contact with early school leavers be maintained.
12. That inter-agency co-operation be sought to enable a team approach to resolving the problems of "at risk" students.
13. That application for special funding to facilitate the implementation of the foregoing recommendations be made to the Department of Education.
14. That the Regina R.C. Separate School Division No. 81 develop a policy regarding native education and education of "at risk" students.

Saskatchewan Teachers' Federation

The Saskatchewan Teachers' Federation requested a meeting with the Commission to discuss the issue of Native Education in the province of Saskatchewan. At that meeting a written submission was filed with the Commission and below follows a series of comments from that submission:

Research Data

In its latest release entitled "Recent Developments in Native Education", the Canadian Education Association compiles research data that is not heartening. The chronic lack of success that Indian and Metis students have experienced in Canadian schools is well documented. The history of Native education has been characterized by an inability to be responsive to the needs and aspirations of Native people. Thus it is depressing to once again "examine the question of whether or not children of Indian and Metis ancestry benefit from our education system to the same extent as the rest of society" as outlined by these public hearings. In our brief, the Saskatchewan Teachers' Federation will focus on ideas, activities and possible strategies that are intended to redress some of the problems of Native education.

Statistics

It is reported that fully 15 percent of all Native people over the age of 15 dropped out of school before finishing grade 5; 40 percent never attended high school; 75 percent did not receive a high school diploma; and only two percent obtained a University degree. (Canada's Native People, Statistics Canada, 1984) It would seem self-evident that activities in curriculum development, teacher preservice and inservice will have some impact on the problem.

In 1982 the Spring Council of the Saskatchewan Teachers' Federation passed a resolution stating that the STF will become an affirmative action employer. More recently, the 1984 Spring Council of the STF passed two resolutions which read as follows:

1. BE IT RESOLVED that the STF urge Boards of Education to develop affirmative action policies.
2. BE IT RESOLVED that the STF encourage Boards of Education to implement affirmative action programs

CONCERNS SUBSTANTIATED

As a result of consideration of the reports and studies cited, the submissions at the hearings and other written submissions, the Commission has concluded that students of Indian ancestry in the Province of Saskatchewan are not benefitting from the educational system to the same extent as non-native students.

OVERWHELMING CONSENSUS

There was overwhelming support, by the participants in the hearings and other submissions, for the proposals made in the Commission's discussion paper issued for the purpose of these hearings. More particularly, there was support for a comprehensive affirmative action program within the K to 12 education system which should include:

a) an affirmative action hiring program;

b) a review of each school's policies and practices as it affects persons of Indian ancestry;

c) a review of curriculum to include native content;

d) cross-cultural training for all teachers.

NO CONSENSUS

Although there was consensus on the need for parent participation in the school system and at the school board level, there was no consensus as to how this process should take place. Some would support reversed seats on school boards, some would support meaningful advisory committees, some would support use of the ward system in school board elections, some would support persons of Indian ancestry more actively seeking election to school boards. In view of the lack of consensus regarding this issue, the Commission can only support the position that persons of Indian ancestry actively pursue election as Trustees to Boards of Education. Residents of reserves may wish to utilize the provisions in the *Education Act* to have their reserve designated as sub-divisions or have a Trustee appointed to the district Board of Trustees.

The Commission was not given sufficient information or statistics in the review process regarding its proposals as they affect post-secondary education institutions. As a result of the lack of information and consensus regarding post-secondary education institutions, the Commission is unable to propose a plan of action for them at this time. However, these institutions must continue to be monitored and may merit further inquiry in the future.

ALTERNATE FORMS OF EDUCATION

The "Directions" reported endorsed the idea of alternative programs for our schools and recommended

that policies and guidelines be established for the approval of alternative programs. At the Commission hearings, requests were made for alternative programs for persons of Indian ancestry. The Commission supports the idea of alternative programs for persons of Indian ancestry provided individual students of Indian ancestry always have the choice to be enrolled in the regular school system. Such programs are not segregated programs if individuals have the freedom of choice to enter or leave the program, and the choice to enter or leave the regular education system.

IV. POSITIVE INITIATIVES

As a result of the hearings, the commission found that throughout the province of Saskatchewan certain positive initiatives in the area of native education have been undertaken.

TEACHER EDUCATION PROGRAMS

There are three teacher education programs, specifically designed for native students. Their successes have been noted in almost all the reports on native education, and the Commission takes this opportunity to endorse these programs and compliment those participating in the programs for the success that the programs have had.

N.O.R.T.E.P.

The Northern Teacher Education Program was developed in 1981. Originally the program was sponsored by the Northern Lights School Division, but recently the N.O.R.T.E.P. Council has incorporated and is now the sponsor of this program. The objective of N.O.R.T.E.P. is to train teachers of Indian ancestry and teachers who speak Cree or other native languages, for teaching positions in the Northern Lights School Division. The goal is to train the students to the level of a Standard "A" teaching certificate. At the time of approval of this program by the commission, 10% of the 252 teachers in the Northern Lights School District were of Indian ancestry, whereas 65% - 70% of the children enrolled in the Northern Lights School Division were of native ancestry. N.O.R.T.E.P. now reports that 25% of the teachers in the Northern Lights School Division are now N.O.R.T.E.P. graduates. This is an increase of 15% in four years. These results are impressive. N.O.R.T.E.P. enrolls approximately 25 students of Indian ancestry each year. Since 1979, there have been a total of 63 graduates, graduating from the program. Graduates from the program have completed a minimum of four years of training and have earned sufficient university credits to qualify for their Standard "A" teaching certificate. As of September 1984 the 63 graduates were occupied as follows:

Teaching School	45
Teaching Post Secondary	2
Attending University	6
On leave from a School Division	4
Others	6

It would appear that 85% of the students are professionally active. In June 1985, another 14 students will be graduating, bringing the total number of graduates to 77. In May of 1985 the first students to complete the requirements for a Bachelor of Education will be graduating from the University of Regina.

As of September 1984, there were 82 students registered in N.O.R.T.E.P., coming from 25 northern communities. In 1984 there were 91 applications to enter into N.O.R.T.E.P. It was only possible for the program to accept 24 persons. It should be noted that the N.O.R.T.E.P. program has received approval from the Saskatchewan Human Rights Commission, pursuant to Section 47 of *The Saskatchewan Human Rights Code.*

I.T.E.P.

This program is a four year Bachelor of Education program located in the College of Education at the University of Saskatchewan in Saskatoon. The program was started in 1973 and has graduated 186 students with degrees and teaching certificates. Of these graduates, 96% are presently working as teachers or performing teaching-related activities. Graduates of the program who wish to be involved in the teaching professions all have employment.

S.U.N.T.E.P.

The S.U.N.T.E.P. program is an off-campus teacher education program offered through the Gabriel

Dumont Institute of Native Studies and Applied Research, in co-operation with the Department of Education, the University of Saskatchewan and the University of Regina. The program allows graduates to obtain a Standard "A" teaching certificate or to proceed further to obtain a Bachelor of Education degree. The S.U.N-.T.E.P. program is offered in three cities, Regina, Saskatoon and Prince Albert.

The primary goals of the program are as follows:

(i) To ensure that people of Native ancestry are adequately represented in urban teaching positions.

(ii) To train Native teachers who are more sensitive to the educational needs of Native students and who can be identified as positive role models for both Native and non-Native students.

(iii) To train and graduate students of Native ancestry as fully certified teachers.

S.U.N.T.E.P. offered its first courses in September of 1980. It had 27 students enrolled in the program. S.U.N.T.E.P. is now in its 5th year of operation and has graduated 20 students with a Bachelor of Education degree or a Standard "A" teaching certificate. To date, all graduates except one are reported to be employed. All except one of the graduates are employed in education institutions and approximately 50% of the graduates are employed through the school system. Other students are employed either in the Community Colleges or by the Gabriel Dumont Institute.

There are approximately 16 students graduated in the spring of 1985 with a Bachelor of Education degree.

BOARDS OF EDUCATION

As a result of submissions at the hearings and written reports received by the Commission after the hearings, the Commission found that some Boards of Education have taken special measures in the area of native education. These measures include:

1. The development of native studies courses;
2. The hiring of persons of Indian ancestry for positions as teachers and teachers aides;
3. Establishment of community schools;
4. Support of native survival schools;
5. Cross-cultural training for teachers.

V. THE GOAL: EQUALITY

What is equality? The concept of equality can be viewed in many different ways. There are two main approaches which are relevant here:

1. Equality of opportunity;
2. Equality of results.

Equality of opportunity is likened to identical treatment. If one treats every individual the same then that person has had equal opportunity or identical treatment.

Equality of results implies that one be given equal opportunity, but in addition to that, a system or institution will be looked at to determine whether on a proportionate basis a minority group has achieved the expected proportionate representation. In the education system context, one would ask whether the percentage of students of Indian ancestry graduating from our education system has been the same as the percentage of students of Indian ancestry who entered the system. One must also ask if the percentage of students of Indian ancestry graduating from the system has been the same as the percentage of persons of Indian ancestry in our society. If the answer to the last two questions is no, one is then in a position to say that our education system is not producing an equality of results insofar as persons of Indian ancestry are not graduating from the system in the proportionate representation that might be expected. To state it even more simply, persons of Indian ancestry are not receiving equal benefit from the allocation of resources to the education system of our province. Why? The causes of this disparity of results may be numerous and may encompass all aspects of our society. However, in attempting to redress this disparity, it is essential to look first to the education system itself to ascertain whether any barriers have been unwittingly built into that system which may be contributing to the inequality of results.

Some of the latest statements on the current view of equality are contained in Judge Rosalie Abella's Report "Employment Equity". Several of these statements are reproduced below:

Equality A Process

Equality is, at the very least, freedom from adverse discrimination. But what constitutes adverse discrimination changes with time, with information, with

experience, and with insight What we tolerated as a society 100, 50, or even 10 years ago is no longer necessarily tolerable. Equality is thus a process — a process of constant and flexible examination, of vigilant introspection, and of aggressive open-mindedness.

One hundred years ago, the role for women was almost exclusively domestic; 50 years ago, some visible minorities were disenfranchised; 25 years ago, native people lacked a policy voice; and 10 years ago, disabled persons were routinely kept dependent. Today, none of these exclusionary assumptions is acceptable.

But the goal of equality is more than an evolutionary intolerance to adverse discrimination. It is to ensure, too, that the vestiges of these arbitrarily restrictive assumptions do not continue to play a role in our society.

What is Fair?

If in this ongoing process we are not always sure what "equality" means, most of us have a good understanding of what is "fair". And what is happening today in Canada to women, native people, disabled persons, and visible minorities is not fair.

It is not fair that many people in these groups have restricted employment opportunities limited access to decision-making processes that critically affect them, little public visibility as contributing Canadians, and a circumscribed range of options generally. It may be understandable, given history, culture, economics, and even human nature, but by no standard is it fair. (Page 1)

To attempt to unravel the complex tapestries that hang as a background to disciminatory attitudes can be an unproductive exercise. It is undoubtedly of interest to know why certain attitudes or practices were allowed to predominate; but in devising remedies to redress patently unfair realities, sorting through the malevolent, benevolent, or pragmatic causes of these realities is of little assistance. One can assume that the unfair results would not have occurred without the nourishing environment of limited sensitivites. But as we have these sensitivities educated, we must concentrate not on the motives of the past but on the best way to rectify their impact. And one of those ways is to appeal to our collective sense of fairness.

Equality in Employment

Equality in employment means that no one is denied opportunities for reasons that have nothing to do with inherent ability. It means equal access free from arbitrary obstructions. Discrimination means that an arbitrary barrier stands between a person's ability and his or her opportunity to demonstrate it. If the access is genuinely available in a way that permits everyone who so wishes the opportunity to fully develop his or her potential, we have achieved a kind of equality. It is equality defined as equal freedom from discrimination.

Practices or Attitudes

Discrimination in this context means practices or attitudes that have, whether by design or impact, the effect of limiting an individual's or a group's right to the opportunities generally available because of attributed rather than actual characteristics. What is impeding the full development of the potential is not the individual's capacity but an external barrier that artificially inhibits growth.

It is not a question of whether this discrimination is motivated by an intentional desire to obstruct someone's potential, or whether it is the accidental by-product of innocently motivated practices or systems. If the barrier is affecting certain groups in a disproportionately negative way it is a signal that the practices that lead to this adverse impact may be discriminatory.

Results

This is why it is important to look at the results of a system. In these results one may find evidence that barriers which are inequitable impede individual opportunity. These results are by no means conclusive evidence of inequity, but they are an effective signal that further examination is warranted to determine whether the disproportionately negative impact is in fact the result of inequitable practices, and therefore calls for remedial attention, or whether it is a reflection of a non-discriminatory reality. (Page 2)

Same Results

Equality in employment is not a concept that produces the same results for everyone. It is a concept that seeks to identify and remove, barrier by barrier, discriminatory disadvantages.

Equality in employment is access to the fullest opportunity to exercise individual potential.

Sometimes equality means treating people the same, despite their differences, and sometimes it means treating them as equals by accommodating their differences.

Sameness

Formerly, we thought that equality only meant sameness and that treating persons as equals meant treating everyone the same. We now know that the treat everyone the same may be to offend the notion of equality. Ignoring differences may mean ignoring legitimate needs. It is not fair to use the differences between people as an excuse to exclude them arbitrarily from equitable participation. Equality means nothing if it does not mean that we are of equal worth regardless of differences in gender, race, ethnicity, or disability. The projected, mythical, and attributed meaning of these differences cannot be permitted to exclude full participation.

Barrier Free Environment

Ignoring differences and refusing to accommodate them is a denial of equal access and opportunity. It is discrimination. To reduce discrimination, we must create and maintain barrier-free environments so that individuals can have genuine access free from arbitrary obstructions to demonstrate and exercise fully their potential. This may mean treating some people differently by removing the obstacles to equality of opportunity they alone face for no demonstrably justifiable particular policy responses.

Four Designated Groups

At present, society's disadvantages are disporportionately assumed by the four designated groups. Clearly, some distinctions have been made or overlooked in the past that have resulted in the disporportionate representation of native people, visible minorities, disabled persons, and women on the lower rungs of the ladder to society's benefits. By reversing our approach and by using these same distinctions to identify, confront, and eliminate barriers these distinctions have caused in the past, we can reverse the trends, provide access, and open the door to equality. (Page 3)

Redistributive Justice

To create equality of opportunity, we have to do different things for different people. We have to systematically eradicate the impediments to these options according to the actual needs of the different groups, not according to what we think their needs should be. And we have to give individuals an opportunity to use their abilities according to their potential and not according to what we think their potential should be. The process is an exercise in redistributive justice. Its object is to prevent the denial of access to society's benefits because of distinctions that are invalid.

Perpetual Slow Motion

Unless we reject arbitrary distinctions, these four groups will remain unjustifiably in perpetual slow motion. The objectives of breathing life into the notion of equality are to rectify as quickly as possible the results of parochial perspectives which unfairly restrict women, native people, disabled persons, and visible minorities. (Page 4)

In Saskatchewan the Saskatchewan Court of Appeal has adopted an equality of results approach in dealing with the concept of equality and discrimination. In the *Huck* v. *Canadian Odeon Theatres Limited* case, Mr. Justice Vancise stated at page 22 of this decision:

United States Position

In *Griggs v. Duke Power co.* 401 U.S. 424 (1971) the U.S. Supreme Court considered the application of Title VII in a class action brought against Duke Power Co. by thirteen of its fourteen black employees at one of their steam power generating plants. The trial Court found that prior to the effective date of the 1964 Civil Rights Act, the company had openly discriminated on the basis of race in its hiring and assignment of work to employees at the plant. Blacks were restricted to the "labour" department where the highest paying job paid less than the lowest paying job in the "operating" departments in which whites only were employed. The company had also instituted a policy of requiring a high school education to be eligible for a transfer from an "outside" to any "inside" department. After the implementation of the *Civil Rights Act* of 1964, the company made the completion of high school and the obtaining of satsifacory scores in two aptitude tests a prerequisite for a transfer from "labour" to any other department.

Cheif Justice Burger stated the objective of the enactment of the *Civil Rights Act* of 1964 in these terms:

> The objective of Congress in the enactment of Title VII is plain from the language of the statute. It was to achieve equality of employment opportunities and remove barriers that have operated in the past to favour an identifiable group of white employees over other employees. Under the Act, practices, procedures, or tests neutral on their face, and even natural in terms of intent, cannot be maintained if they operate to "freeze" the status quo of prior discriminatory employment practices.
>
> *****
>
> Congress directed the thrust of the Act to the consequences of employment practices, not simply the motivation. More than that, Congress has placed on the employer the burden of showing that any given requirement must have a manifest relationship to the employment in question.

Equal Opportunity Test

He also rejected the equal opportunity test in relation to employment practices in the following terms:

> The Act proscribes not only overt discrimination but also practices that are fair in form, but discriminatory in operation. The touchstone is business necessity. If an employment practice which operates to exclude Negroes cannot be shown to be related to job performance, the practice is prohibited.

Neutral Acts

It is the consequence of the actions or practices not the motivation that is important. Acts which are neutral on their face i.e., treating one as equal, are prohibited if they have the effect of continuing discriminatory practices.

The *Code* should be interpreted having regard to the evolution which has taken place in the United States in the interpretation of human rights legislation, that is, it is not necessary that there be a discriminatory motive, and by examining the consequences or effect of differential treatment to define discrimination and determine whether it has occurred.

Motive Irrelevant

The question to be determined in this case is whether the physical arrangements for the viewing of a movie which are available to all members of the public but which have the practical effect or consequence of discriminating against one or more members of the public because of a prohibited ground, i.e. physical disability, is discrimination. If such arrangement is discriminatory, the second question which must be answered, is what must the owner of the public facilities do in order to avoid a violation of the *Code*.

Discriminatory Results

The absence of a motive to discriminate is not determinative of whether there has been discrimination. It is not discriminatory intent which is prohibited by the legislation but the discriminatory result (see *Re: Attorney General of Alberta and Gares*, (1976) 67 D.L.R. (3d)635). It is true that intention or motive can be determinative of the issue in some cases, for example, refusal to let accommodation because of colour, racial or ethnic origin, but it is not an essential ingredient. If the result of the action or practices which are otherwise neutral on their face result in discrimination, they are prohibited under the *Code*. In *Ontario Human Rights Commission* v. *Borough of Etobicoke* (1982) 132 D.L.R. (3d) 14 (S.C.C.) McIntyre J., in considering bona fide occupational exemptions commented that there was no evidence of improper motive but, notwithstanding that, the occupational exemptions were found not to be *bona fide*. That finding lends support to the position enunciated that there are two situations which can arise: one where motive is determinative and the other where it is not, but that the result of the action, will be determinative of whether there is discrimination.

Identical Treatment Not Equal Treatment

The Respondent argues that the complainant was accorded the same treatment as any other member of the public, that is, he was offered a seat from which to view a movie and that amounts to equal treatment and is not discrimination as contemplated by the Act. Its position is, that far from discriminating against the complainant, it offered him some thing which other patrons were not offered,

that is a right to view the movie from a place other than a seat which it submits is a special privilege. If that interpretation of the meaning of discrimination in Section 12(1)(b) is correct then the right not to be discriminated against for physical disability protected by the *Code* is meaningless. If that interpretation is correct, I can conceive of no situation in which a disabled person could be discriminated against in the use of accommodation, services or facilities which are offered to the public. If that interpretation is correct, the owner of a public facility, who offers washroom facilities of the same kind offered to the public generally to a disabled person or offers any other service notwithstanding that it can't be used by a wheelchair reliant person, will then be found to have discharged his obligation under the *Code*. A physically reliant person does not, in my opinoin, acquire an equal opportunity to utilize facilities or services which are of no use to him or her. Identical treatment does not necessarily mean equal treatment or lack of discrimination.

In *Tharp* v. *Lornex Mining Corporation Ltd.* (unreported decision of B.C. Human Rights Tribunal — September, 1975) the question of identical treatment was considered in the context of accommodation provided to male and female employees in a mining campsite setting. Ms. Tharp applied for accommodation at the company campsite and was given accommodation in a double room in a bunkhouse which contained ten double rooms, common washrooms and laundry facilities. Ms. Tharp was the only female resident in the bunkhouse. The physical arrangement of the bunkhouse was such that privacy in the use of the washroom and laundry facilities was impossible. She used the toilet facilities but did not use the showers because of insufficient privacy. In finding that there was discrimination the Board stated:

> The position of Lornex from the outset was that it could not be discriminating against Jean Tharp because it was offering her precisely the same accomodation that it offered every other employee at the campsite. In other words it was contended that there can be no discrimination where everyone received identical treatment. We reject that contention. It is a fundamentally important notion that identical treatment does not necessarily mean equal treatment or the absence of discrimination. We would add only that the circumstances of this complaint graphically illustrates the truth of this important notion.

Different Treatment

The treatment of a person differently from others may or may not amount to discrimination just as treating people equally is not determinative of the issue. If the effect of the treatment has adverse consequences which are incompatible with the objects of the legislation by restricting or excluding a right of full and equal recognition and exercise of those rights it will be discriminatory. See also *Rocca Group Limited* v. *Muise*, (1980) 22 Nfld. & P.E.I. R. 1; *Post Office and Union of Post Office Workers*, [1974] 1 W.L.R. 89.

Discrimination in a human rights context is exclusion, restriction or preference of treatment based on one of a number of protected characteristics the result of which is the prevention or impairment of the exercise of human rights and freedoms guaranteed in the Code.

In order to determine whether Huck was discriminated against in this case, it is necessary to apply the principles I have set out.

On June 3, 1985 the Supreme Court of Canada refused an application by Canadian Odeon Theatres Limited for leave to appeal the decision of the Saskatchewan Court of Appeal.

The *Huck* v. *Canadian Odeon Theatres* decision is now law in Saskatchewan and the principles set out in that decision define the legal concepts of equality and discrimination. These principles must now guide us in the interpretation of *The Saskatchewan Human Rights Code* and its applications to all segments of our society.

VI. AFFIRMATIVE ACTION

In a discussion paper issued by the Commission, our proposal concerning native education centred around

affirmative action programs for Boards of Education in the educational system of our province. The term is defined in different ways across Canada and it is important at this time to set out what the Commission means by the term "affirmative action".

This was done, in part, in Saskatchewan Human Rights Commission Affirmative Action Newsletters No. 1, published January 1980, reprinted January 1985; Affirmative Action Newsletter No. 2, published January, 1982, and Affirmative Action Newsletter No. 3, published January, 1985.

In the last decade there has been a remarkable change in our general understanding of social history and tradition. This has occurred because native and Indian people, women, and most recently, the disabled, have begun to describe social history from their various points of view.

As a result, we have become much more aware of the broad and damaging effects of many previously un-examined traditions, assumptions, and stereotypes.

The fact that these traditions and assumptions have had a significant impact on the lives of the many members of these groups has led us to recognize that the present problems experienced by them are group problems, not individual ones.

This recognition of the pervasive and discriminatory effect of traditions and common assumptions on whole groups has had an important impact on the law.

At the most fundamental level, it has caused an expansion in our definition of discrimination.

Initially, discrimination was seen as overt, isolated acts motivated by prejudice. But this definition is clearly inadequate, since it cannot explain the broad scope of problems experienced by whole groups of people.

Increasingly then, legislators, experts in the human rights field, and courts acknowledge that the most damaging discrimination does not result from isolated, individual acts motivated by prejudice, but rather from historical assumptions and traditions which have become imbedded, even unintentionally in the normal operations of our employment, education and social institutions.

The law therefore, no longer defines discrimination as simply individual, or identifies it by intent. Increasingly, the law defines discrimination as systemic, and identifies it by impact.

This shift in the understanding of discrimination is apparent in recent case decisions in both the United States and Canada.

Systemic Discrimination

Perhaps the first decision which provided an analysis of "systemic discrimination" and "adverse impact" was the 1971 U.S. decision in the case of *Griggs v. Duke Power Co.*

This decision was handed down in response to a complaint from a black man named Griggs who alleged that he had been discriminated against because of his race when he was refused a janitorial job with Duke Power Co. on the grounds that he did not have a Grade 12 education.

Griggs argued that the Grade 12 requirement had the effect of screening out proportionately more black people because of their lower level of educational achievement and that the Grade 12 requirement was not necessary to satisfactorily perform the job in question.

The court ruled in Griggs' favour and found that discrimination occurs when a decision that cannot be justified by business necessity has the effect of screening out one class of persons at a significantly higher rate than others.

The court, then considered the effect of a practice on black peoples as a group, and defined discrimination not by the intent of the act but by its impact. Chief Justice Warren Burger wrote at the time "... practices, procedures ... neutral on their face, and even neutral in terms of intent, cannot be maintained if they operate to freeze the status quo of prior discriminatory ... practices ... the thrust of the (Civil Rights) Act (is directed) to the *consequences* of ... practices, not simply the motivation."

Malice Not A Factor

In recent Canadian case law, a similar understanding of discrimination has been articulated.

In Ontario, in 1978, a Board of Inquiry hearing the complaint of *Mr. Ishar Singh v. Security Investigation Services Ltd.* ruled in favour of the complainant who alleged that he had been discriminated against because of his religion when he was refused a job as a security guard because he wore a turban and beard required by his Sikh faith.

In this case, the Board of Inquiry found that the employer bore "no ill will towards Sikh people . . . had no intention to insult or act with malice . . . and did not have the intention or motive of discrimination."

However, the Board found that the effect of the employer's policy, which required that their security guards be cleanshaven and wear caps, was to deny employment to Sikhs, and it rules that intention was not necessary to establish a contravention of human rights legislation.

There are several benefits which flow from this recent analysis and redefinition of discrimination.

First, it has provided us with a much more accurate and objective method of determining when discrimination is occurring. We can measure the effect of a practice or procedure on an objective basis, rather than searching for motive.

And, secondly, it removed guilt and blame from the social arena, since we are able to recognize that what we are dealing with is the pervasive effects of history and tradition, not the effects of individual acts of bigotry nor the individual failures of native persons, or women, or the disabled.

Statistical Measures

It is important to note that the statistical measures of under-representation of the target groups are now accepted by courts as evidence that discrimination has occurred. For example, in the case of the *International Brotherhood of Teamsters v. The United States* (97 S.Ct. 1843, 57 N 20 (1977)), statistical evidence of imbalances assisted the case. The court stated:

> ". . . such imbalance is often a tell tale sign of purposeful discrimination; absent explanation, it is ordinarily to be expected that non-discriminatory hiring practices will in time result in a workforce more or less representative of the racial and ethnic composition of the population in the community from which employees are hired.

Broadly stated, the goal of Section 47 of *The Saskatchewan Human Rights Code* is a society that "neither knows or tolerates classes among citizens" (*Plessy* v. *Ferguson*, 163 U.S. 537, 559 (1896)). As long as the effects of discriminatory practices continue to be reflected in income differentials between men and women, and as long as high unemployment rates for persons of Indian ancestry and persons with physical disabilities persist, affirmative action will be a necessary remedy.

Measuring the Problem and the Benefit

In addition to the methods outlined above for measuring the need for affirmative action programs, a report published by the Manpower and Social Affairs Com--mittee — 1979, of the Organization for Economic Co-operation and Development, sets out two further principles for measuring the scope of programs needed and the benefits of them. In summary, these are:

1. In establishing special measures to increase employment opportunities for the disadvantaged, we must first recognize the totality of the assistance required, and determine this by the number of target group individuals who are unemployed and trying to enter or remain in employment. Added to this, we must increase our sensitivity to the nature and the extent of the advantage, and the day to day difficulties target group individuals encounter. Therefore, it is necessary in combatting the current unemployment or underemployment among these groups that we strive to ensure that our initiatives are proportionate to the size of the problem.
2. We must also take into account the cost and benefits of affirmative action from the point of view of the benefits to society as a whole. This requires that we document the contribution of the disadvantaged worker through his

active participation in the labour force and the reduced demands and costs of various government social support programs. Therefore, we must strive to place the disadvantaged member of a target group in the context of his social and political environment, where the social costs of unemployment and underutilization are felt by all.

Employer Benefits

The commitment to implement an affirmative action program requires employers to critically examine their human resource planning process. By examining their personnel procedure they may uncover discriminatory, though unintentional, patterns of decision making.

This process, part of which is carefully analyzing job related qualifications, is likely to raise the quality of staffing decisions by ensuring that the qualifications are based on the work to be done and not on any bias of race, sex, national origin or physical ability.

An economist with the Conference Board of Canada has found that some companies have acknowledged that affirmative action programs have assisted them in learning to manage their human resource systems. Personnel Departments are being given the resources with which to do proper human resource management analyses. A Senior Vice President of the New York Chamber of Commerce and Industry, said that affirmative action was the impetus to honing and upgrading corporate personnel departments. Personnel is now a professional function, requiring a thorough knowledge of provincial and federal human rights legislation.

Affirmative action provides a method of analyzing and correcting outdated and illegal personnel practices. As well, employers benefit from an employee selection process, which draws from the largest pool of people possible and effectively evaluates a worker's job-related abilities.

Employee Benefits

Systemic discrimination or systemic barriers have played a large part in contributing to a sex segregated labour force and a permanently unemployed pool of workers. Employment data reveals a serious wage gap between male and female workers. For every $1.00 a man is paid, a woman in the paid labour force receives $.64. People with physical disabilities and persons of Indian ancestry experience extreme unemployment rates. It is estimated that 50% to 80% of persons with physical disabilities are unemployed. Native people on reserves experience up to 80% unemployment. Such disparities do not occur as a result of isolated incidents of discrimination, but are the result of a combination of many practices and policies which, when combined, often seem insurmountable.

Inadequate daycare, low wages, inaccessible workplaces, inflated educational requirements, height and weight requirements, sexual harassment and restricted training opportunities all present systemic barriers to employment. An affirmative action program would assist in identifying these barriers and eliminating or reducing them.

Employees have a vested interest in decision making which is free from discrimination. Workers, regardless of sex, physical ability or race, do not profit from sex segregated jobs, low paying jobs or a reserve army of the unemployed. Unions representing the interests of employees have long upheld the right of workers to participate in decisions which affect the workplace.

During the process of reviewing human resource planning, job qualifications are reviewed in light of their impact on persons of Indian ancestry, persons with physical disabilities and women. If a job qualification impacts negatively on one of the target groups and cannot be validated then it must be eliminated as a job requirement.

Affirmative action programs also provide more opportunities for training which are of benefit to all employees. Job security and advancement opportunities are opened up. A representative from the International Union of Electrical Radio and Machine Workers has commented that before their affirmative action program was introduced, many employers would hire skilled people from the outside and overlook the potential of their own workers.

Affirmative Action

Most importantly, however, the change in general understanding of social history and the new definitions in the law have made clear the need for affirmative action.

The fact that many social traditions have had an adverse impact on whole groups of people, the fact that these traditions remain embedded in the normal operations of our employment and education systems and continue to have a discriminatory effect, clearly demonstrate the need for invention if these groups are to enjoy *in fact* the equality which the law promises.

Affirmative action is the strategy which has been developed in recent years to counteract and eliminate systemic discrimination. It is a method for identifying and eliminating barriers, and for assisting those groups of people who have suffered the effects of past discrimination to achieve equality in our employment and educational systems.

The value of affirmative action is that it is a strategy based on a realistic assessment of the scope and nature of the problem, and it is also practical and effective in its application.

The Objectives of Special Programs

Affirmative Action is the most comprehensive strategy which has been developed to address and eliminate discrimination.

There are two basic reasons for the development of affirmative action programs in Canada. First, many employment and education systems, through their normal operations, have inadvertent discriminatory effects, and they therefore perpetuate historical patterns of disadvantage for people of native ancestry, women, and people with physical disabilities. The fact that these discriminatory effects are unintended and often result from seemingly neutral practices does not in any way lessen the need to identify these practices and alter them where that is possible. Individual complaints filed under human rights legislation have not been effective in eliminating "systemic discrimination" and there is clearly a need for a strategy broader in scope that deals with systems and their effects as a whole.

Second, because of historical patterns of discrimination and disadvantage, some groups within our society are far behind and cannot compete on an equal footing for available opportunities in employment and education.

In other words, for the groups that are disadvantaged there are two problems. Those that are already qualified for different or better opportunities are often barred from them by systemic practices which have inadvertent discriminatory effects. And those that are not already qualified or eligible for different or better opportunities need extra assistance to overcome the historical patterns of discrimination and disadvantage that have been placed in their path.

To address these two problems, affirmative action programs have two major components: the elimination of systemic practices which act as barriers, and the establishment of special measures within employment and education systems to assist disadvantaged groups to overcome the effects of past practices.

Instituting either one of these components without the other will not be sufficient. The elimination of systemic barriers will bring neutrality to employment and education systems but simple neutrality is not enough. Certainly the elimination of these barriers will assist those individuals in the disadvantaged groups in taking advantage of previously unavailable opportunities, however, such a situation will not help those who are not qualified because of the disadvantage they have experienced.

On the other hand, providing special measures to assist the members of disadvantaged groups will not in and of itself eliminate systemic practices which act as barriers. If these barriers are not eliminated, the same exclusionary factors will be in place when the special measures are dropped. Consequently, both components are necessary for effective affirmative action programs.

Systemic Barriers

What is meant by "systemic barriers"? In the field of employment, a number of practices and procedures have been identified which can act as barriers for native peoples, women, and people with physical disabilities. For example,

where a group of jobs within an employment system are held predominantly by white males a word-of-mouth recruitment procedures will tend to keep knowledge of job vacancies within that same group and therefore have the effect of excluding native people and women from competing for these job opportunities. Also, inflated or non-job-related requirements, such as a requirement for Grade 12 or a requirement that applicants meet certain height and weight standards, will bar competent native people and women from jobs they could perform. Work sites which are inaccessible will prevent people with mobility disabilities from working in jobs which they may well be qualified for and able to perform.

These are examples of "systemic barriers". They are practices or procedures which are normal and look neutral but which have discriminatory or exclusionary effects and are not necessary to the operation of the business or organization.

In the field of education, we can also identify factors which have discriminatory effects. For example, in the seventies, many studies were done which identified the streaming of girls and boys in the schools into those disciplines and occupations that are traditional to their sex. The streaming effect appears to be, the result of indirect, not overt, practices. Among those identified are the sex-stereotyping of occupations in school books and course materials and the lack of role models in fields or positions which are not traditional to the child's sex.

In employment and education, then, these are the kinds of inadvertent and systemic practices which affirmative action programs are designed to identify and remove.

Special Measures

In employment, special measures can take many forms depending on the nature of the business or the service being provided. Some such measures are active recruitment and hiring strategies which will move people of native ancestry, women, and people with physical disabilities into positions which they have not previously had the opportunity to attain. Another special measure is training programs which will give members of these groups skills they do not presently have.

In both employment and education, affirmative action programs also function to identify needs and create those special measures which will speed access to opportunities for members of disadvantaged groups.

Goals and Timetables

Goals and established timetables for meeting those goals provide a planning and measuring structure for affirmative action programs. It is possible to measure, on a statistical basis, the distribution of opportunities and the distribution of the benefits which flow from those opportunities across the various groups within our society, and across the groups within any particular organization.

In conclusion, then, whether in employment or education, affirmative action programs have two major components — the elimination of systemic barriers and the creation of special measures to assist disadvantaged groups — and both of these are established within the planning and measuring framework of goals and timetables.

Since the objective of affirmative action programs is to create a more equitable distribution of opportunities and benefits, it is essential that each organization engaging in such programs identifies the goals it is attempting to reach so that the steps to achieve those goals can be planned and progress towards them can be measured.

Affirmative Action In Canada

In Canada in the 70's, human rights legislation in most jurisdictions has been changed to provide for affirmative action programs, and a number of programs intended to eliminate discrimination and improve opportunities for disadvantaged groups have been developed.

The need to go beyond the complaint mechanism and the traditional non-discriminatory provisions, previously relied upon, has been recognized in the last decade in all but three of Canada's eleven jurisdictions. Only Quebec, Alberta and Newfoundland do not yet have provisions for affirmative action programs in place.

The Legal Basis For Affirmative Action

While the language of the legislative provisions varies somewhat from jurisdiction to jurisdiction basically the statutes allow for the development of special programs to overcome disadvantages experienced by persons of Indian ancestry, women and persons with physical disabilities, or any other target groups which need special assistance. In addition, most provide that, subject to the approval of the appropriate Human Rights Commission, such special programs are not in violation of the standard non-discriminatory provisions of the legislation.

The importance of this last provision, which amounts to a statutory declaration that programs designed to overcome discrimination are not themselves discriminatory, has been underlined recently by two case decisions in Alberta where human rights legislation does not include a provision for affirmative action programs.

In the first of these, a Board of Inquiry ruled in February, 1980 that a special program for native students, which admitted them to University of Calgary courses and provided special tutoring for them, was discriminatory because a non-native woman was refused admission to this program.

In the second case, the Athabasca Tribal Council, appearing before the Energy Resources Conservation Board in June, 1979, proposed that the ERCB should require the implementation of a special employment program for local native people as a condition of their approval of a new project to develop the tar sands in northeastern Alberta.

When the ERCB declined to make that requirement on the grounds that it might be discriminatory, the Athabasca Tribal Council appealed to the Alberta Court of Appeal. On April 30th of this year, the Court of Appeal ruled in a split two-one decision that "the establishment of affirmative action programs would require amendments to the Individual Rights Protection Act similar to those in a number of other provinces expressly exempting such programs from the operation of the statute."

It is interesting to note that, shortly after these two decisions were handed down in Alberta, the government introduced amendments to the Individual Rights Protection Act which, once approved, will allow for Cabinet approval of affirmative action programs.

In the 70's, then, legislation has been introduced to allow for affirmative action programs and protect their legal status. Clearly, the programs, the legislative provisions, and the statutory protections are all needed.

The Development of Special Programs

As legislation has been developing, so have programs.

Most Canadian programs have emerged in response to pressure from women, which has been exerted since the "Report of the Royal Commission on the Status of Women" was published in 1970, and in response to pressure from Metis, Indian and Inuit people in the North who want to ensure that jobs created by new development in their areas go to local people and not only to workers imported from the South.

During the 70's, the Federal Government developed an Equal Employment Opportunity Program for women in the Public Service, and most provincial governments took some steps in the same direction.

Manitoba developed a New Careers Program to provide training and employment opportunities for disadvantaged peoples, and a number of municipal governments and private sector employers have also developed programs during this last decade.

In northern Alberta and Saskatchewan, AMOK and SYNCRUDE have contracted to provide special programs for the employment of the northern native people.

The Government of Quebec has introduced a separate statute requiring affirmative action in education and employment to assist disabled. There is a much greater emphasis now on accommodating disabled children within the regular school systems by providing the necessary equipment and aides. And a number

of initiatives have been taken to provide women's studies programs, Indian studies programs, and special programs for the training of native and Indian lawyers, social workers and teachers.

These recent initiatives in both employment and education (and in accessibility provisions which, for the disabled, affect their opportunities in both employment and education) manifest a general, growing and non-partisan recognition that positive interventions must be made to assist these disadvantaged groups.

Effective Programs

We cannot afford, however, in spite of this shopping list of programs and studies, to be complacent about the initiatives being taken. The effectiveness of many Canadian programs for the disadvantaged has been diluted by lack of political commitment, by piecemeal rather than system-wide programming, by the lack of planning and clear goals, and by the assignment of responsibility for programs to persons who are not given the authority to effectively carry them out.

Fortunately, we do have enough experience in Canada to be able to identify the factors which mark effective programs.

Broad Impact

As well as being concerned about the effectiveness of the programs we initiate, we must also be concerned about whether enough programs are being initiated to have a significant impact on the status of groups that are broadly disadvantaged.

Most programs in Canada are voluntary. The problem with this is that it results in a program here and a program there, but not in programs embracing the majority of employment and education systems so that a broad, positive impact on the status and opportunities of disadvantaged groups is achieved.

The simplest method of achieving that broad impact is through contract compliance which would require any organization contracting with or receiving monies from the various levels of government to have an approved affirmative action program.

Instituting affirmative action conditions in government contract requirements is a sound way of using public monies to overcome traditional inequities, and if voluntary programs do not appear to have significant impact, contract compliance is likely to receive much more attention and consideration across Canada in the 1980's.

STEPS FOR DEVELOPING AN AFFIRMATIVE ACTION PROGRAM

Three groups have been designated by the Saskatchewan Human Rights Commission as "target groups" for affirmative action programs. These groups are: persons of Indian ancestry, persons with physical disabilities and women. Affirmative action programs may make additions to these three target groups.

Section 47 of *The Saskatchewan Human Rights Code* allows the Human Rights Commission to grant approval for an affirmative action program. A program which is approved is protected from complaints of discrimination which could otherwise be filed against the program under other provisions of the Code.

An organization planning to develop an affirmative action program should contact the Saskatchewan Human Rights Commission for advice on the regulations and procedures which allow the Commission to approve affirmative action programs. Commission staff are available to consult with employers, employees and unions during the developmental phase. The final program plan is then submitted to the Commission for approval. An oral hearing may be requested by the organization sponsoring the program or anybody with an interest in affirmative action.

Oral hearings are organized by the Commission. At the hearing all aspects of the plan are discussed. Women, people of Indian ancestry and people with disabilities are all given an opportunity to review the plan and offer comments or suggestions for improvement. The Commission may then issue an order approving the organization's program. All programs are monitored on a yearly basis for change and progress.

1. Designate Responsibilities

In any organization there are two types of responsibilities for an affirmative action program which need to be defined and assigned appropriately. These are:

a) The responsibility for designing, overseeing and monitoring the program, and

b) The responsibility for the daily implementation of the program.

Where there is a labour union certified, the responsibility for designing, overseeing and monitoring must be shared by the union and management. Where no labour union is certified, these responsibilities must be shared by a joint labour/management committee. A joint committee can also be responsible for providing information about the program and its progress to employees, prospective employees, and the community at large. If representatives from the target groups cannot be drawn from the existing workforce, community organizations which work on behalf of the target groups could be invited to consult with the committee. Representative organizations are the best source of information concerning barriers which prevent participation by their members. They can contribute valuable advice in the development process.

Responsibility for daily management of the program should be assigned to a senior executive who can authorize and supervise the implementation of specific steps in the program.

2. Workforce Analysis:

It is essential to any well-planned program to determine the present facts about the workforce. Data should be collected to provide a profile of the existing workforce and to identify the positions held by members of the target groups. A completed workforce analysis will show the number of men, women, persons of Indian ancestry, and persons with physical disabilities in the overall workforce, and by department or division, job grouping, job classification, salary level, and length of service. Where information is available, other data variables may be useful in the analysis.

3. Community Analysis:

Data is collected to determine the representation of the target groups in the working age population and in the relevant sectors of the labour force. The Saskatchewan Human Rights Commission gathers data on the target groups for use by organizations developing affirmative action programs.

4. Participation Analysis:

Through a comparison of the workforce profile and the community analysis, the participation analysis is developed. This identifies the areas in the workforce where there are fewer members of the target groups than would reasonably be expected by their representation in the population or the relevant labour pool, and the areas where there is a concentration of the target groups. This analysis will determine the scope of the program and the areas of the program to which affirmative action efforts should be directed.

5. Goals and Timetables:

Having compared the profiles of the representation of the target groups in the internal workforce and in the community, and identified the areas of under-representation, the next step is setting realistic goals and timetables for achieving increased representation of the target groups in those areas where under-representation has been identified. As well as providing a clear and well-defined plan for the program, the setting of goals and timetables allows for effective measurement of the progress of the program. Expected increases in participation of members of the target groups can be identified as short-term and long-term goals and should be based on estimates of attrition, expansion or contraction of the workforce, and on estimates of changes that are expected due to the adoption of special measures.

6. Elimination of Discriminatory Systems:

Once goals and timetables are established, sponsors of programs will need to take three steps in order to ensure that they can meet them. The first of these is the elmination of discriminatory systems. This involves a review of all employment systems such as recruitment, hiring, promotion, salary structure, benefits, and training in order to identify and eliminate any systems which have the effect of excluding members of the target groups from employment, or a particular area or level of employment within the organization.

In the past ten years, experts in the human rights field have come to recognize that the most pervasive discrimination results from ordinary, often unintentional and neutral-seeming practices in employment systems. For example, height and weight requirements will have the effect of excluding women from certain jobs, and a requirement for Grade 12 will exclude a large proportion of native and Indian people. If these requirements are not truly job-related, they should be removed in order to allow greater participation of women and native people. The elimination of practices which have a discriminatory impact is essential to creating equal opportunity.

7. Remedial Measures:

The participation analysis will identify specific areas in the workforce where members of the target groups are under-represented. Special measures should then be adopted in order to change the pattern of under-representation and to increase opportunities for members of the target groups. If, for example, the participation analysis shows an overall under-representation of persons of Indian ancestry or persons with physical disabilities, remedial measures such as new recruitment practices, which emphasize communication of job opportunities to community organizations with target groups membership, and on-the-job training for target group members will improve access for these groups.

8. Support Measures:

Support measures will ensure that members of the target groups can avail themselves of new opportunities. For example, special transportation may be needed for those members of the target groups who cannot use public transportation or do not have access to transportation to and from work. Reliable child care may determine whether women can participate equally in employment opportunities. changes to buildings or work sites to make them physically accessible will allow persons with physical disabilities to work where they have not been able to work before. Support measures should be designed to accommodate members of the target groups who have not been included in the development of traditional employment support systems.

9. Monitoring:

Finally, it is important to establish a monitoring system. Effective monitoring will evaluate progress towards the goals, identify where successes are achieved and establish where corrective action is necessary. Since the object of affirmative action is the achievement of measurable improvements in hiring, training, and advancement of members of the target groups, the ability to measure results through monitoring the program is essential.

APPROVAL CRITERIA

The Commission has adopted approval criteria for the approval of a program under Section 47 of the *Code*. These approval criteria are as follows:

50. In these regulations:

    (a) Special Program" means a "program approved or ordered pursuant to section 47 of the Act, or required by a Board of Inquiry pursuant to section 31 (7) (a) of the Act;

    (b) "Protected Groups" means those groups of persons protected by the Act because of their race, creed, religion, colour, sex, marital status, physical disability, age, nationality, ancestry or place of origin;

    (c) "Sponsor Organization" includes a "person" as defined by section 2(m) of the Act, and a board of education, a school or institution as defined in *The Universities Commission Act*, or other institution or place of learning, vocational training, or apprenticeship, or any institution, organization, association, business or enterprise, or any institution, organization, association, business or enterprise which provides funds to other institutions, organizations, associations, businesses or enterprises;

    (d) "Target Groups" means persons of Indian ancestry, persons with physical disabilities, and women;

    (e) "Underrepresentation" means having fewer members of the target or protected groups in a particular sector, unit, grouping, classification, or level within the sponsor organization that would reasonably be expected by their representation in the population, or in those subclasses of the population defined by qualification, eligibility, or geography, from which the sponsor organization may reasonably be expected to draw its employees, students, tenants, clients, customers or members.

51. A sponsor organization may design a special program for the benefit of any of the protected groups.

52. In addition to any of the protected groups which may be designated by the sponsor organization for inclusion in a special program, the three target groups shall be included, but the Commission

may give conditional or full approval to a special program that does not include one or more of the target groups if one or more of the following conditions exists:

(a) the participation analysis pursuant to section 53 (a) (iii) of these regulations indicates that there is no under-representation within the sponsor organization or the target group that is not included;

(b) the sponsoring organization undertakes to develop a special program designed so as to include the target groups, over a reasonable period of time, and seeks approval for immediate program measures to prevent, eliminate or reduce disadvantages that are likely to be suffered by, or are suffered by, one or more target or protected groups, by improving opportunities therefore;

(c) the composition of the population in the geographical area from which the sponsor organization draws its employees, students, tenants, clients, customers or members justifies the special program being so designed;

(d) the nature of the business engaged in or the services being provided by the sponsor organization justifies the special program being so designed;

(e) the composition of the client population justifies the special program being so designed;

(f) the Commission, in its discretion, determines to approve or order such a special program.

53. A special program shall include the following:

(a) Analyses, as follows:

(i) "Sponsor Organization Analysis": an analysis of the representation of members of the target groups, and other protected groups designated by the sponsor organization, in all sectors, units, groupings, classifications, and levels in the sponsor organization;

(ii) "Community Analysis": an analysis of the representation of members of the target groups, and other protected groups designated by the sponsor organization, in the population, or in those subclasses of the population defined by qualification, eligibility, or geography, from which the sponsor may reasonably be expected to draw its employees, students, tenants, clients, customers or members;

(iii) "Participation Analysis": an identification of all sectors, units, groupings, classifications, and levels in the sponsor organization in which members of the target or protected groups are underrepresented.

(b) "Goals" and "timetables", as follows:

(i) Goals, which shall be expressed in numbers and percentages, for increasing the representation of the target or protected groups that are included in the program, in those sectors, units, groupings, classifications and levels where underrepresentation has been identified, and timetables, both short and long term, for meeting the established goals;

(ii) Goals and timetables, for the achievement therof, shall be set separately for each target or protected group that is included in the program, and for each sector, unit, grouping, classification and level where underrepresentation has been identified pertaining to that group;

(iii) Goals shall be based on the extent of underrepresentation identified and on the availability of members of the target or protected groups who are qualified, or who can become qualified through reasonable efforts on the part of the sponsor organization, or who are eligible or who can become eligible through reasonable efforts on the part of the sponsor organization, for positions or places within the sponsor organization;

(iv) Timetables, for the achievement of each goal, shall be based on the anticipated increase and decrease in the number of people within the sponsor organization, and the anticipated turnover of people within the sponsor organization;

(v) Goals and timetables shall be reasonable and flexible.

(c) "Program Elements", as follows:

(i) Program elements designed to prevent, eliminate, or reduce disadvantages that are likely to be suffered by, or are suffered by, members of the target or protected groups that are included in the program, by improving opportunities for such groups;

(ii) Program elements designed specifically to address and remedy the underrepresentation of target or protected groups that are included in the program as identified pursuant to section 53(a)(i) of these regulations.

(d) Designation by the sponsor organization of a person to be responsible for the administration of its special program.

54. No provisions of section 50, 51, 52 or 53 of these regulations shall be construed as limiting the discretion given to the Commission under section 47 of the Act.

In addition, the Saskatchewan Federation of Labour has endorsed the following provision with respect to trade union involvement in affirmative action programs.

A special program shall include:

designation by the sponsor organization of a joint committee comprising both management and union representatives, where a collective bargaining relationship exists, or comprising both management and employee representatives, where no collective bargaining relationship exists, to oversee the design and implementation of the special program unless the sponsor organization demonstrates just cause for not designating a joint committee in the design of the program.

APPROVAL PROCEDURES

Regulations are already in place under the Code which set out procedures for considering approvals under Section 47.

40. (1) Where an application is made to the Commission under subsection (1) of section 47 of the Act, it shall be accompanied by a written submission and any other material that may be required by the Commission.

(2) An applicant under the said subsection (1) of section 47 may request an oral hearing and the Commission shall advise the applicant of the time within which such hearing can be requested.

(3) Where the application is made with regard to a business, the Commission shall request from the employer or labour organizations with whom the employer has existing labour agreements, or, in the absence of labour agreements, employee or labour organizations with whom the employer maintains a continuing relationship for the purpose, at least in part, or representation relating to employment grievances.

41. (1) Where an application is made to the Commission under subsection (1) of section 47 of the Act or where the Commission on its own initiative undertakes to approve or order a program under the said subsection (1) of section 47, the provisions of the regulations relating to the procedure for applications under subsection (1) of section 48 of the Act shall apply *mutatis mutandis*.

(2) Where the Commission intends to withdraw its approval of a program previously approved or where it is of the opinion there has not been sufficient compliance with the program, the provisions of the regulations pertaining to an application for an exemption under subsection (1) of section 48 of the Act shall apply *mutatis mutandis*.

42. Every party involved in the implementation and operation of an approved special program shall report to the Commission by the 30th day of April in each and every year on the actions taken during the preceding year to implement the special program, on the progress of the program, on difficulties encountered in meeting the goals of the program and on any changes to the program it may be considering. Notwithstanding the foregoing, the Commission may at any time request and shall receive such information as is deemed appropriate for the purposes of monitoring compliance with the approved program. If, in the discretion of the Commission, it is determined further investigation is required, the Commission may direct an affirmative action officer to investigate the progress of the special program and report back to the Commission.

31. (1) Where an application for an exemption is made to the Commission under subsection (1) of section 48 of the Act, the application shall be accompanied by a written submission and any other material that may be required by the Commission.

(2) An applicant for an exemption may request an oral hearing and the Commission shall advise the applicant of the time within which such a hearing can be requested.

32. (1) The Commission may serve notice of the application:

(a) personally or by registered mail, on any person who, in the opinion of the Commission, has a direct interest in the application;

(b) by public advertisements in the area that would be directly affected by the exemption order requested; and such notice shall be advertised as frequently and in whatever manner the Commission thinks fit.

(2) Any interested person or class of persons may request an oral hearing of the application and the notice of the application under subsection (1) shall set out the time within which such a hearing may be requested.

(3) The Commission may, in its discretion, determine who is an interested person or class of persons for the purposes of these regulations and determine the time within which a hearing can be requested pursuant to this section and section 31.

33. (1) Any person upon whom notice of the application is served personally, by registered mail or through public advertisement may make a written submission to the Commission within the time set out in such notice and any such person may inspect any other written submission made pursuant to this section or section 31.

(2) The submissions mentioned in section 31 and in this section shall be open for inspection by any person at the offices of the Commission in the City of Saskatoon, between the hours of 9:00 (o'clock) in the forenoon and 4:30 (o'clock) in the afternoon.

34. (1) If no oral hearing is requested by the applicant or any interested person or class of persons, the Commission shall meet and consider any written submissions received and any other information it considers relevant in determining whether or not to grant an exemption under subsection (1) of section 48 of the Act.

(2) An oral hearing shall be held, at the request of the applicant or any interested person or class of persons, and at the time and place specified by the Commission; and at the hearing the Commission may receive written and oral submissions.

(3) When an oral hearing is to be held, the Commission shall give notice of the time and place of this hearing by registered mail to the applicant, to any person who filed a written submission and to any interested person or class of persons; and notice of the time and place of the hearing may also be given by public advertisement in the area that would be directly affected by the exemption order requested and such notice shall be advertised as frequently and in the manner the Commission thinks fit.

(4) Notice of the time and place of the hearing as mentioned in subsection (3) shall be given at least twenty (20) days before the hearing.

(5) In making its determination, the Commission shall consider the oral representations made at the hearing and any written submissions received by it.

(6) The Commission shall give written reasons for its decision, copies of which shall be sent by registered mail to the applicant, to any person who submitted a written submission and to any interested person or class of persons.

35. Where an application to terminate an exemption order made pursuant to subsection (1) of section 48 of the Act is made to the Commission or where the Commission acts on its own initiative to terminate such an exemption order, the procedure to grant an exemption shall apply *mutatis mutandis* except that any notice required under these regulations shall be thirty (30) days written notice and shall be made in the manner prescribed by subsection (3) of section 48 of the Act.

THREE TARGET GROUPS

The Commission has promoted and encouraged employers to develop their affirmative action programs for all three target groups in one program. These three target groups, as indicated, are women, people of Indian ancestry and people with physical disabilities. The Commission emphasizes the importance of employers in this province developing these programs for all three target groups.

In this report, the Commission has addressed one target group, that is, persons of Indian ancestry and, more particularly, students of Indian ancestry. This has been done because of the information brought to the Commission's attention which very clearly indicates that there is a crisis in our education system for only one of the target groups. In the Plan of Action, a proposed program has been developed to assist persons of Indian ancestry. The Commission is committed to promoting and encouraging affirmative action programs which are designed for all three target groups. In view of this particular situation, the Commission asks for the support of women and women's organizations, persons with disabilities and their organizations, in promoting and encouraging acceptance by Boards of Education of the Commission's proposed Plan of Action.

VI. PLAN OF ACTION

THE QUESTION

The first question addressed to those attending the public hearings was whether persons of Indian ancestry were receiving equal benefit from the education system of the Province of Saskatchewan. As a result of the aforementioned information, the answer to that question is very clear. Persons of Indian ancestry are not receiving equal benefit from the education system of our province. The disparity in benefits to persons of Indian ancestry from our education system is tantamount to a crisis.

EQUAL BENEFIT

Equal benefit means that persons of a group or class are not only given equal opportunity to enter into a system, but that in addition, the system or institution will be examined to determine whether the minority group has achieved the expected proportionate representation. The approach concentrates on determining whether the results are fair. If the various statistics presented to the Commission are reviewed regarding graduation rates and drop-out rates of persons of Indian ancestry from our education system, there can be absolutely no doubt that persons of Indian ancestry are not receiving equal benefits from the education system of Saskatchewan.

In the past, equality may have been equated with identical treatment. Today, as it has been defined by the Court of appeal for Saskatchewan, identical treatment does not necessarily mean equal treatment. To achieve equality it may be necessary to have different treatment.

In the Directions report, it is stated:

> Education in Saskatchewan is based upon commitment to meeting the needs of the individual learner.

This approach to education is totally consistent with the concept of equality of results.

The goal of educating individual and attempting to meet their individuals needs and maximize their potental, if pursued by the education system, will produce equality of results for persons of Indian ancestry.

THE BOARDS OF EDUCATION OF OUR PROVINCE

In this report, the Commission has attempted to highlight the positive steps that school boards throughout our province are taking in the area of education for persons of Indian ancestry. The Commission recognizes and acknowledges these efforts. In the "Reaching Out" report, Arnold Tusa recognized the tremendous amount of "genuine concern, a well of good will, an understanding that the issue of Native education merited special consideration and a willingness to do what is necessary to effect change". The Commission wishes to build on this good will and hopes that it will be the catalyst to make much greater advances in the coming years.

CONCERNS SUBSTANTIATED

As a result of the entire review process, the Commission concludes that there is no doubt that students of Indian ancestry are not benefitting from the education system to the same extent as non-native students.

OVERWHELMING CONSENSUS

There was overwhelming support for the proposals made in the Commission's discussion paper issued for the purpose of these hearings. More particularly there was support for a comprehensive affirmative action program within the K to 12 education system, which should include;

An affirmative action hiring program;
A review of each school's policies and practices as it affects persons of Indian ancestry;
A review of curriculum to include native content;
Cross-cultural training for all teachers.

CHANGE IN THE SYSTEM

An extremely important question that must be considered is whether the degree of concensus that exists in the system now will continue in the future. As time goes on, officials in the Department of Educatin, officials in the education system and the other interested organizations will change. Public interest in the issue may wane. Funding for the education system may become limited. The media may lose interest in focusing on students of Indian ancestry. All of these possibilities make the tremendous degree of concensus a very fragile and fleeting phenomena.

The question then is, "how can the Commission assist in putting in place mechanisms that will perpetuate

changes in the system, that will produce equality of results for persons of Indian ancestry?"

THE VOLUNTARY APPROACH

The C mmission has taken the position on many issues that have come before it that the voluntary approach to resolving problems is the preferable one. If individuals and organizations voluntarliy work toward change in our society, a most fundamental and significant change can be achieved. The Commission wishes to capitalize on the Voluntary approach to the greatest extent possible and thereby proposes and recommends that each and every school board in our education system in the province support the Commission's genuine concern and work towards obtaining equality of results from te education system, and will co-operate with the Commission to further this goal and, more particularly, move quickly to implement the items referred to above that resulted in such an overwhelming concensus. Further, it is hoped that each and every participant in the education system will co-operate and participate in the Commission's proposed Plan of Action.

EDUCATION DEVELOPMENT FUND

To embark upon a Plan of Action costs money. In the 1980's the Commission understands that boards of education, like other organizations, have to carefully husband their financial resources. The Education Development Fund provides an excellent source of additional funding for boards of education to embark upon programs which will produce equality of results for students of Indian ancestry in the education system. The fund could be used to develop and implement strategies on those items referred to above where there was such overwhelming concensus.

ROLE MODELS

As was indicated above, there is overwhelming concensus that role models for students in our education system are extremely important. Native role models are important to native students and non-native students alike. It is essential in our education system that more teaches of Indian ancestry be hired. In the past our society's performance in the hiring of persons of Indian ancestry as teachers has been dismal. Boards of education have, in the 1980's, begun to hire teachers of Indian ancestry. These teachers will provide the role models to native and non-native students that are so necessary.

One problem that persons of Indian ancestry have is finding suitable employment. The unemployment rate is many times higher than the unemployment rate for the rest of society. If the boards of education provided greater opportunities for the employment of persons of Indian ancestry, the students of Indian ancestry would see that there are, in fact, rewards for striving to obtain an education. It is absolutely necessary that more persons of Indian ancestry be hired in the education system.

Persons of Indian ancestry are 9.6% of the employable population. They are entitled to at least 9.6% of the jobs available in our society. They are entitled to at 9.6% of the jobs available in our education system.

QUALIFICATIONS

In the past there may not have been sufficient qualified teachers of Indian ancestry from which the boards of education could recruit. This has begun to change. Programs such as N.O.R.T.E.P., S.U.N.T.E.P. and I.T.E.P. are graduating teachers of Indian ancestry who are qualified.

The Commission has always taken the position that employers must hire qualified individuals. More particularly, in the education system, boards of education must hire teachers of Indian ancestry who are qualified.

PREFERENCE GIVEN

It is clear then that it will be essential to give a preference to the hiring of teachers of Indian ancestry into the school system. In referring to preference, the Commission is not suggesting that standards be lowered, but rather is suggesting that efforts be made to recruit and hire teachers of Indian ancestry.

The Commission is of the understanding that boards of education have in the 1980's been hiring persons of Indian ancestry and, in effect, have been giving preference to the hiring of a small number of persons of Indian ancestry. The Commission recognizes this as an attempt by boards of education to bring the role models into the school system to assist in the education of persons of Indian ancestry. This is a start at rectifying the imbalance in the participation of native teachers in our school system. The Commission recommends that school boards continue their efforts to recruit and hire teachers of Indian ancestry.

VIOLATION OF THE CODE

The giving of a preference to any person because of his or her race in the recruiting and hiring process is a violation of *The Saskatchewan Human Rights Code*. To give preference on the basis of race in the hiring of teachers is illegal unless boards of education take certain steps to obtain approval for their actions. If a teaching position was given to a person of Indian ancestry, a candidate who failed to get the job could file a complaint with the Commission, alleging discrimination on the basis of race, pursuant to Section 16. The Commission would have no choice but to investigate such a complaint. If the allegations contained in the complaint were substantiated, the Commission would have no choice but to order a Board of Inquiry. This would be very unfortunate for the Commission to find itself enforcing the *Code* in a situation where it agreed that it was essential to give preference to hiring of teachers of Indian ancestry. The Commission does not want to be placed in this position and recommends to boards of education that they use the provisions of Section 47 of the *Code* to prevent this from occurring. The Commission believes that boards of education would not want to be accused of violating any statute of Saskatchewan and would not want to be in the position where they might be found to have violated a law or be responsible for paying lost wages to the individual candidate who did not receive the job that was given to a teacher of Indian ancestry.

APPROVAL REQUIRED

The breaking of the law by a board of education can be remedied by a board of education applying to the Commission for approval of its program to achieve equality of results for students of Indian ancestry, including the preferential hiring of teachers of Indian ancestry, pursuant to Section 47 of The *Saskatchewan Human Rights Code*. Any program that is designed to eliminate or reduce disadvantages of any particular group because of their race can be approved under Section 47 of the Code. Approval under that section results in any actions taken pursuant to that program being considered.

AFFIRMATIVE ACTION

Section 47 and its marginal note does not use the words "affirmative action". The Commission has come to call programs developed under Section 47 as Affirmative Action Programs, but affirmative action programs have often been misunderstood by the public in Saskatchewan and Canada. The name that a program is given is not of importance; the important thing is the principles and concepts that program embodies. Judge Rosalie Abella, in her report "Employment Equity" stated at page 7:

> In default of some new verbal coinage, where this Report refers to affirmative action in the Canadian context, it is no more than a convenient way of identifying positive steps to correct discrimination in the workplace.
>
> Ultimately it matters little whether in Canada we call this process employment equity or affirmative action, so long as we understand that what we mean by both terms are employment practices designed to eliminate discriminatory barriers and to provide in a meaningful way equitable opportunities in employment.

It is regrettable that so many people can agree on the concepts and the principles of a program, but have difficulties with the label that the program is given.

EDUCATION EQUITY

What the Commission is proposing in its Plan of Action is an affirmative action program, but for a number of reasons it has decided to call this report and the proposed Plan of Action "Education Equity". The reasons are as follows:

1. The proposed Plan of Action is an affirmative action program, but that phrase is misunderstood by many.
2. Affirmative Action, as now used by the Commission, refers to a program designed for all three target groups, i.e., women, natives and persons with physical disabilities, whereas "Education Equity" is designed for teachers of Indian ancestry.
3. Affirmative action programs, although applicable to education systems, are usually identified as an employment program, but "Education Equity" contains a number of components that are related to the education system.
4. The proposed Plan of Action is unique in that it addresses the particular situation which the Commission considers a crisis in the Province of Saskatchewan at a particular point in time, therefore the plan of action ought to be identified in its own unique plan of action is, in effect, an affirmative action program.

EDUCATION EQUITY

PLAN OF ACTION

I. Every school board in the Province of Saskatchewan whose enrollment of students of Indian ancestry exceeds 5% should immediately apply for approval, pursuant to Section 47 of *The Saskatchewan Human Rights Code*. The Commission would consider reasonable, a plan of action for education equity which would have as its components the following:

1. A statement of the number of students of Indian ancestry enrolled with the Board of Education at the time of the application for approval;
2. A plan to hire over the next ten years, qualified teachers of Indian ancestry so that at the end of the ten year period the percentage of teachers of Indian ancestry employed by the Board of Education will equal the percentage of students of Indian ancestry enrolled in the school division, or will equal 9.6% of the teaching staff or will equal a percentage of the teaching staff to be approved by the Saskatchewan Human Rights Commission;
3. A plan by the Board of Education to annually, over the ten year period, fill a percentage of its vacanacies of teaching positions with qualified teachers of Indian ancestry equal to the percentage of students of Indian ancestry enrolled in the school division or 9.6% of the vacancies in teaching positions for that year, or a percentage of vacancies in teaching positions for that year to be approved by the Saskatchewan Human Rights Commission;
4. A plan to review its recruiting and hiring practices to determine whether such practices have any barriers to the recruitment or hiring of teachers of Indian ancestry within five years from the approval of the program;
5. A plan to actively recruit teachers of Indian ancestry from the University of Saskatchewan, the University of Regina, other teacher training programs and, in particular, N.O.R.T.E.P., S.U.N.T.E.P. and I.T.E.P.;
6. A commitment that it will work closely with teachers employed by it, in designing and implementing "education equity" and establish a joint committee of representatives from both the administration and the teachers' associations in the division to design and implement such a program;
7. A plan to provide cross-cultural training on a regular basis for the teachers employed by it;
8. A plan to increase and improve the participation of parents of Indian ancestry in the school system.

II. The Department of Education should:

1. Make available the financial resources from the education Development Fund required by the Boards of Education to implement a program of education equity;
2. Implement the recommendations contained in the "Directions" report and the "Five Year Action Plan for Native Curriculum Development";
3. Continue to fund and, where possible, increase funding to programs established for the training of qualified teachers of persons of Indian ancestry, such as S.U.N.T.E.P., I.T.E.P. and N.O.R.T.E.P.;
4. Develop policies, guidelines, and funding for alternate forms of education, including alternate programs for students of Indian ancestry, provided students of Indian ancestry have freedom of choice to enter or leave the alternate program and return to, or stay in, the regular school system.

III. Parents of Indian ancestry should:

1. Actively seek positions on Boards of Education;
2. Where they reside on reserves, utilize the provisions of the *Education Act* to have their reserve designated as sub-divisions (Section 27(2)(b)) or have a trustee appointed to the district board of trustees (124(1.1)).

IV. The Saskatchewan Human Rights Commission will promote and encourage Boards of Education in the Province of Saskatchewan to voluntarily develop programs for education equity, but if a Board of Education has not applied for approval for its program of education equity by the 1st day of December, 1986, the Saskatchewan Human Rights Commission will consider applications under Section 47 of *The Saskatchewan Human Rights Code*, requesting it to order a program of education equity. Under Section 47 of the code, any person can make an application requesting the Commission to order a program. If such an application is made, the Commission, in exercising its discretion to order a program under section 47 of the Code, will consider, among other things, the following:

1. The percentage of parents of Indian ancestry resident in the School Division who support the application;
2. The percentage of non-native parents in the School Division who support the application;

3. The percentage of teachers employed in the School Division who support the application;
4. The number of individual school trustees on the Board of Education who support the application;
5. The number of interested organizations operating in the School Division that support the application;
6. The percentage of students of Indian ancestry enrolled in the School Division;
7. The percentage of teachers of Indian ancestry employed in the School Division;
8. The initiatives already undertaken by the Board of Education to implement education equity.